

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
May 9, 2018**

**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-18-068	Install (1) Fascia On-premises Sign (Buy Buy Baby). 8882 - 170 Street NW Project No.: 276589956-001
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II	10:30 A.M.	SDAB-D-18-069	Change the Use from a Professional, Financial and Office Support Services to a Child Care Services (122 children) and to develop an outdoor play space (remove 6 parking spaces) 6060 - Andrews Way SW Project No.: 271687264-001
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III	1:30 P.M.	SDAB-D-18-070	Construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), fireplace, rear uncovered deck (under 0.6 metres in Height), Unenclosed Front Porch 9843 - 86 Avenue NW Project No.: 267804471-001
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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-18-068

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 276589956-001

APPLICATION TO: Install (1) Fascia On-premises Sign (Buy Buy Baby).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 10, 2018

DATE OF APPEAL: April 18, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8882 - 170 Street NW

LEGAL DESCRIPTION: Plan 8421891 Blk 28 Lot 5

ZONE: DC2.914 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Summerlea Neighbourhood Area Structure Plan

Grounds for Appeal

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

The potential illumination from the proposed parkade sign to the residential zone to the south will be negligible. The potential illumination from the sign will be less than the existing street lamps, traffic and light from the mall.

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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...

- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the *Edmonton Zoning Bylaw*

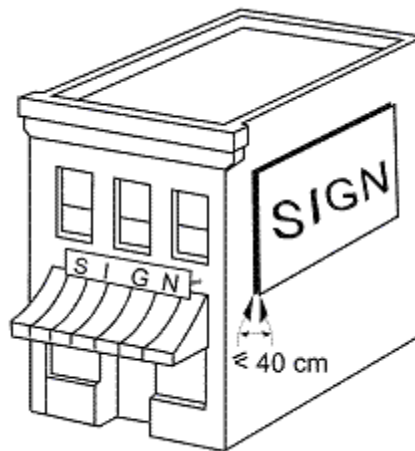
Section DC2.914.3.00 states a **Fascia On-premises Sign** is a **Listed Use** in the DC2.914 Site Specific Development Control Provision.

Under Section 7.9(2), **Fascia On-premises Signs** means:

any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. The Copy on such a Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Under Section 6.2(7), **Fascia Signs** means

any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed, so that the Sign does not extend more than 40 cm out from the wall or structure nor beyond the horizontal limits of the wall. Fascia Signs may or may not be permanent. This definition includes banners or any other two dimensional medium.



Section **DC2.914.1** states the **General Purpose** of the **DC2.914** is:

to accommodate a variety of uses including commercial, office and professional services, health care services, residential, community, recreational, entertainment and educational uses with specific development criteria that will achieve a compatible relationship between the subject site, currently known as West Edmonton Mall, and surrounding land uses; and establish a high standard of building appearance appropriate to the Site's proximity to residential development.

Section DC2.914.4(n) states "Signs shall be in accordance with Schedule 59E (Regulations for Permitted Signs) and the general provisions of Section 59 of the Zoning Bylaw."

Compatibility

Section DC2.914.4(n)(i) states "all exterior Signs shall be compatible with the architectural character and style of development on the Site, to the satisfaction of the Development Officer."

Development Officer's Determination

The proposed sign, located on the parkade, is not consistent with the placement of existing Fascia On-premises Signs on site. Currently, Fascia On-premises Signs are located on exterior building walls to identify or advertise a business located in the shopping centre where the Sign is displayed. The proposed sign would adversely impact the architectural character by creating sign proliferation and visual clutter on the site.

Surrounding Development


Section 59.2(6) states "for all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone."

Development Officer's Determination

The proposed development would, in the opinion of the Development Officer, materially interfere with or affect the use, enjoyment or value of neighbouring properties due to light pollution.

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*.

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: 276589956-001 Application Date: MAR 08, 2018 Printed: April 18, 2018 at 2:52 PM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 8882 - 170 STREET NW Plan 8421891 Blk 28 Lot 5 Location(s) of Work Suite: 2554, 8882 - 170 STREET NW Entryway: 8882 - 170 STREET NW Building: 8882 - 170 STREET NW	
Scope of Application To install (1) Fascia On-premises Sign (Buy Buy Baby).		
Permit Details		
ASA Sticker No./Name of Engineer: Construction Value: 1460	Class of Permit: Class A Expiry Date:	
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Application Decision Refused Reason for Refusal 1. All exterior Signs shall be compatible with the architectural character and style of development on the Site, to the satisfaction of the Development Officer. (Reference section DC2.914.4(n)(i)) The proposed sign, located on the parkade, is not consistent with the placement of existing Fascia On-premises Signs on site. Currently, Fascia On-premises Signs are located on exterior building walls to identify or advertise a business located in the shopping centre where the Sign is displayed. The proposed sign would adversely impact the architectural character by creating sign proliferation and visual clutter on the site. 2. For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference section 59.2(6)) The proposed development would, in the opinion of the Development Officer, materially interfere with or affect the use, enjoyment or value of neighbouring properties due to light pollution.		
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.		
THIS IS NOT A PERMIT		



Application for Sign Combo Permit

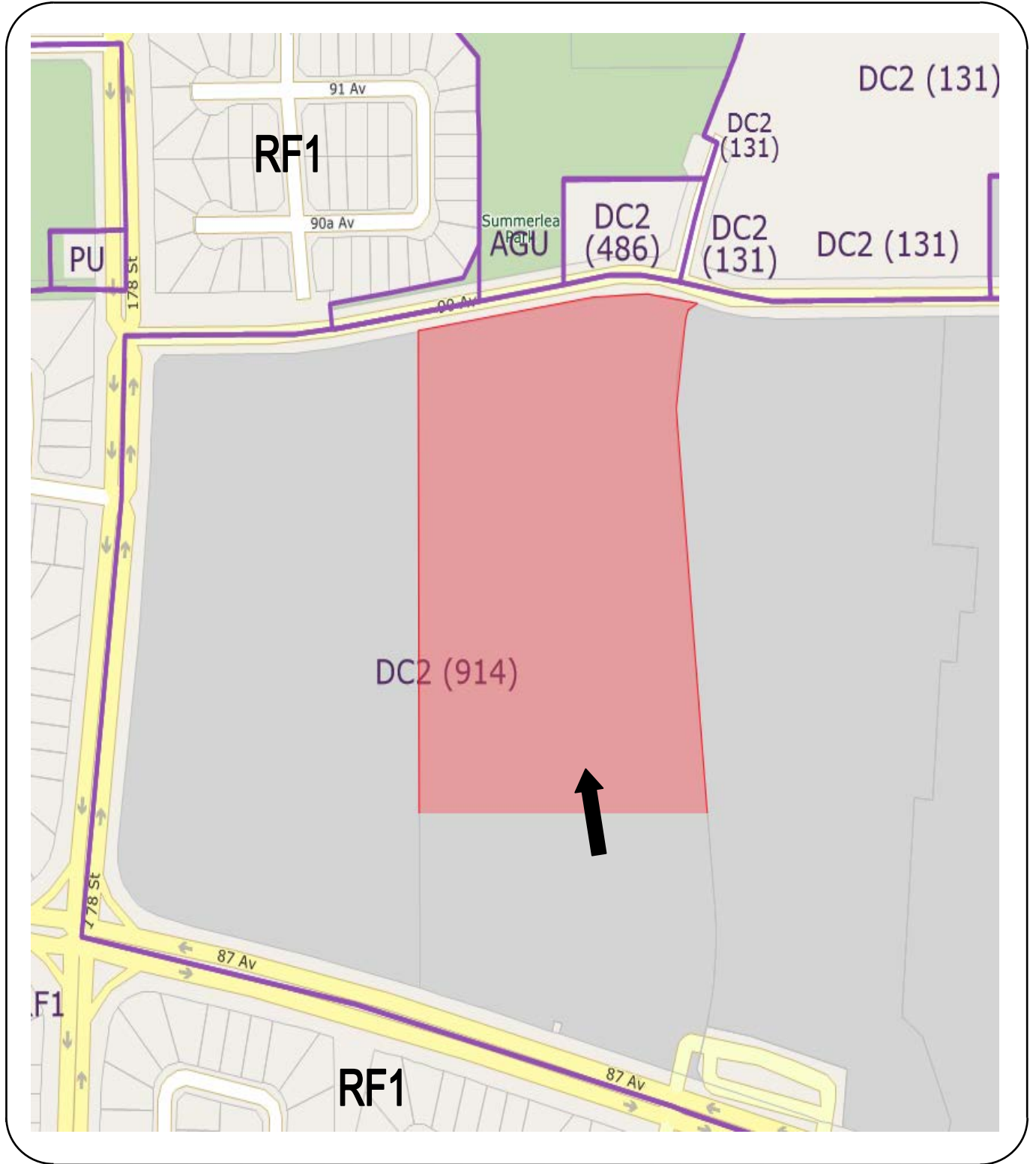
Project Number: **276589956-001**
Application Date: MAR 08, 2018
Printed: April 18, 2018 at 2:52 PM
Page: 2 of 2

Issue Date: Apr 10, 2018 Development Authority: KENNEDY, CLARK Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$93.00	\$93.00	04842292	Mar 08, 2018
Sign Building Permit Fee	\$156.00			
Safety Codes Fee	\$6.24			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$255.24</u>	<u>\$93.00</u>		
(\$162.24 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-068



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-069

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 271687264-001

APPLICATION TO: Change the Use from a Professional, Financial and Office Support Services to a Child Care Services (122 children) and to develop an outdoor play space (remove 6 parking spaces)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 15, 2018

DATE OF APPEAL: April 10, 2018

NOTIFICATION PERIOD: March 22, 2018 through April 12, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6060 - Andrews Way SW

LEGAL DESCRIPTION: Plan 1524442 Blk 20 Lot 85

ZONE: (DC1) Direct Development Control Provision (Bylaw 17739)

OVERLAY: N/A

STATUTORY PLAN(S): Ambleside Neighbourhood Structure Plan
Windermere Area Structure Plan

Grounds for Appeal

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

We, along with the neighbourhood, want to appeal the approval for a CHILD CARE SERVICES (122 children) 114, 6060 ANDREWS WAY SW AMBLESIDE, which backs onto our residential area.

It is a big concern for all, as it will definitely have a "negative effect" on our community. We feel it is an error in decision on the part of the City Development Planning and an error in our decision to purchase here; were not advised NOISY CHILDCARE FACILITIES were planned.

Our reasons of concern are as follows:

- 1) the DIRECT DEVELOPMENT CONTROL PROVISION document was dated SEPTEMBER 7, 2016 to give info of what could possibly be developed in this area. This was AFTER most of our homes were built. Our builders said HIGH END office/businesses were planned. It was to COMPLIMENT the residential area.... (a daycare is not high end, nor compliments a community, especially backing onto our residential)
- 2) originally talking to Paul Kowal during Dec/17Jan/18, he advised that this lot was approved for 1 storey OFFICE ONLY. Then talking to Ingrid 2 weeks ago at the APPEALS OFFICE, she advised this was recently CHANGED to being approved for 122 child care facility, why? This was not indicated when we purchased our lot that there would be daycares, only high end offices.
- 3) Do we need 122 children backing directly onto our crescent/back yard area, when we ALREADY have 2 child care services a few lots down from this proposed area? (See attached pictures)
- 4) It is an infringement on our privacy; there is only a walkway between our 3159 ALLAN LANDING back yard/s and this proposed play area. If sitting on our patios/yards with screaming kids playing in the proposed play area 5 days a week....think about it, would you like that directly behind your yards? This is not a COMPLIMENT to our residential area.
- 5) There will be direct access from this planned child care to the storm drainage pond behind this lot, (there is a 2 sidewalk accesses, one next to this lot approved and the other on the other side of 6050 ANDREWS where kids will be brought down to play, etc. THIS WILL BECOME A PLAY AREA!! NOTE: It is being done already by the other child care facilities here! This POND area is not a playground, just as it is NOT a dog park for letting dogs run loose. But daycares/child care will still use it as such.
- 6) We all bought in this higher end area (\$million dollar houses) NOT EXPECTING to have YET ANOTHER CHILD CARE/LEARNING CENTRE planned, infringing onto our back yards!
- 7) and yes, we knew there would be high end commercial buildings, much as they are, but NOT 3 CHILDCARE services .

- 8) it is known facts that to live behind child care facilities: LOWERS OUR PROPERTY VALUE, (who wants to buy homes near noisy childcare centres), ALWAYS NOISY YELLING & CRYING KIDS, DRAWS TOO MUCH TRAFFIC INTO THE COMMUNITY (at peak hours, during lunch hours, hometimes) RESULTS IN OLDER TEENAGERS PARKING AND VANDALIZING PLAY AREA AND NEARBY PROPERTIES

We WILL be AFFECTED AS A COMMUNITY LIVING DIRECTLY BEHIND THIS CHILDCARE because of the above reasons.

If it was changed recently to being approved from an office to childcare, it should be able to be changed BACK to OFFICE ONLY WITH PARKING.....NO PLAY AREA! The Community should have a "say" in our keeping our neighbourhood a high end area. We are paying ENORMOUS CITY TAXES, our taxes should significantly DECREASE as this is a downgrade from the high end it should be.

These are a few of our concerns and we appeal to change the approval back to "PROFESSIONAL HIGH END BUSINESS OFFICES as original plan, NOT INCLUDING THIS CHILD CARE FACILITY SO CLOSE TO OUR BACKYARD/HOMES. There are plenty enough child care facilities already near us, and plenty enough areas AWAY FROM OUR HIGH END RESIDENTIAL to consider.....that would eliminate our neighbourhoods concern.

<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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

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 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
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 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

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- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the *Edmonton Zoning Bylaw*

The **General Purpose** of the **(DC1) Direct Development Control Provision (Bylaw 17739)** is to accommodate low intensity commercial and residential mixed-use development. The purpose is to complement the adjacent residential and employment uses with a transition of mixed compatible uses. Development regulations shall create a pedestrian-friendly environment and complement adjacent development through urban design controls and guidelines.

Use

Under Section (DC1) Direct Development Control Provision (Bylaw 17739), section 3(e) of Area 'B', **Child Care Services** is a **Listed Use**.

Under Section 7.8(2), **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 typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider's residence.

Development Officer's Determination

The Site is designated a Site Specific Development Control Provision (Bylaw 17739).

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: 271687264-001
Application Date: JAN 10, 2018
Printed: April 11, 2018 at 8:13 AM
Page: 1 of 3

Major Development Permit

This document is a record of a Development 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.

Applicant <div style="border: 1px solid black; width: 200px; height: 40px;"></div>	Property Address(es) and Legal Description(s) 6060 - ANDREWS WAY SW Plan 1524442 Blk 20 Lot 85
	Specific Address(es) Suite: 102, 6060 - ANDREWS WAY SW Suite: 112, 6060 - ANDREWS WAY SW Suite: 114, 6060 - ANDREWS WAY SW Entryway: 102, 6060 - ANDREWS WAY SW Entryway: 112, 6060 - ANDREWS WAY SW Entryway: 114, 6060 - ANDREWS WAY SW Building: 102, 6060 - ANDREWS WAY SW

Scope of Permit
To change the use from a Professional, Financial and Office Support Services to a Child Care Services (122 children) and to develop an outdoor playspace (remove 6 parking spaces)

Permit Details								
<table border="0"> <tr> <td>Class of Permit: Class B</td> <td>Contact Person:</td> </tr> <tr> <td>Gross Floor Area (sq.m.):</td> <td>Lot Grading Needed?: N</td> </tr> <tr> <td>New Sewer Service Required: N</td> <td>NumberOfMainFloorDwellings:</td> </tr> <tr> <td>Site Area (sq. m.):</td> <td>Stat. Plan Overlay/Annex Area: (none)</td> </tr> </table>	Class of Permit: Class B	Contact Person:	Gross Floor Area (sq.m.):	Lot Grading Needed?: N	New Sewer Service Required: N	NumberOfMainFloorDwellings:	Site Area (sq. m.):	Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B	Contact Person:							
Gross Floor Area (sq.m.):	Lot Grading Needed?: N							
New Sewer Service Required: N	NumberOfMainFloorDwellings:							
Site Area (sq. m.):	Stat. Plan Overlay/Annex Area: (none)							

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

Applicant signature: _____

Development Permit Decision
Approved



Project Number: **271687264-001**
Application Date: JAN 10, 2018
Printed: April 11, 2018 at 8:13 AM
Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

- 1) The proposed Development shall be carried out in accordance with the approved plans. Any revision to the approved plans, including the increase in the number of approved children, and/or expansion of the outdoor playspace, shall require a separate Development Permit application.
- 2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a minimum Setback adjacent to a public roadway, public walkway or a residential zone. Vehicular parking, loading, storage and trash collection areas shall be screened from view from any adjacent Sites or public roadways in accordance with Section 55. (DC1. Bylaw 17739 Section 4.h)
- 3) The outdoor playspace shall be Fenced on all sides, and gates shall be self-latching. (Section 80.3.a)
- 4) Passenger pick-up/drop-off spaces shall be designated with signs to reserve the parking spaces for Child Care Service pick-up/drop-off. (Section 52.2 Schedule 1(32)(a)(i).
- 4.a) The applicant must contact Brian Waddell, Parking Services at 780-944-5657 to arrange for the on-street passenger loading zone signage to be installed. There is an associated cost for the two (2) signs that must be paid by the applicant
- 5) Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1
- 6) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site. (Section 5.2)

ADVISEMENTS:

- 1) Signs require separate Development Applications.
- 2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 3) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

Variances

The Site is designated a Site Specific Development Control Provision (Bylaw 17739)

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.



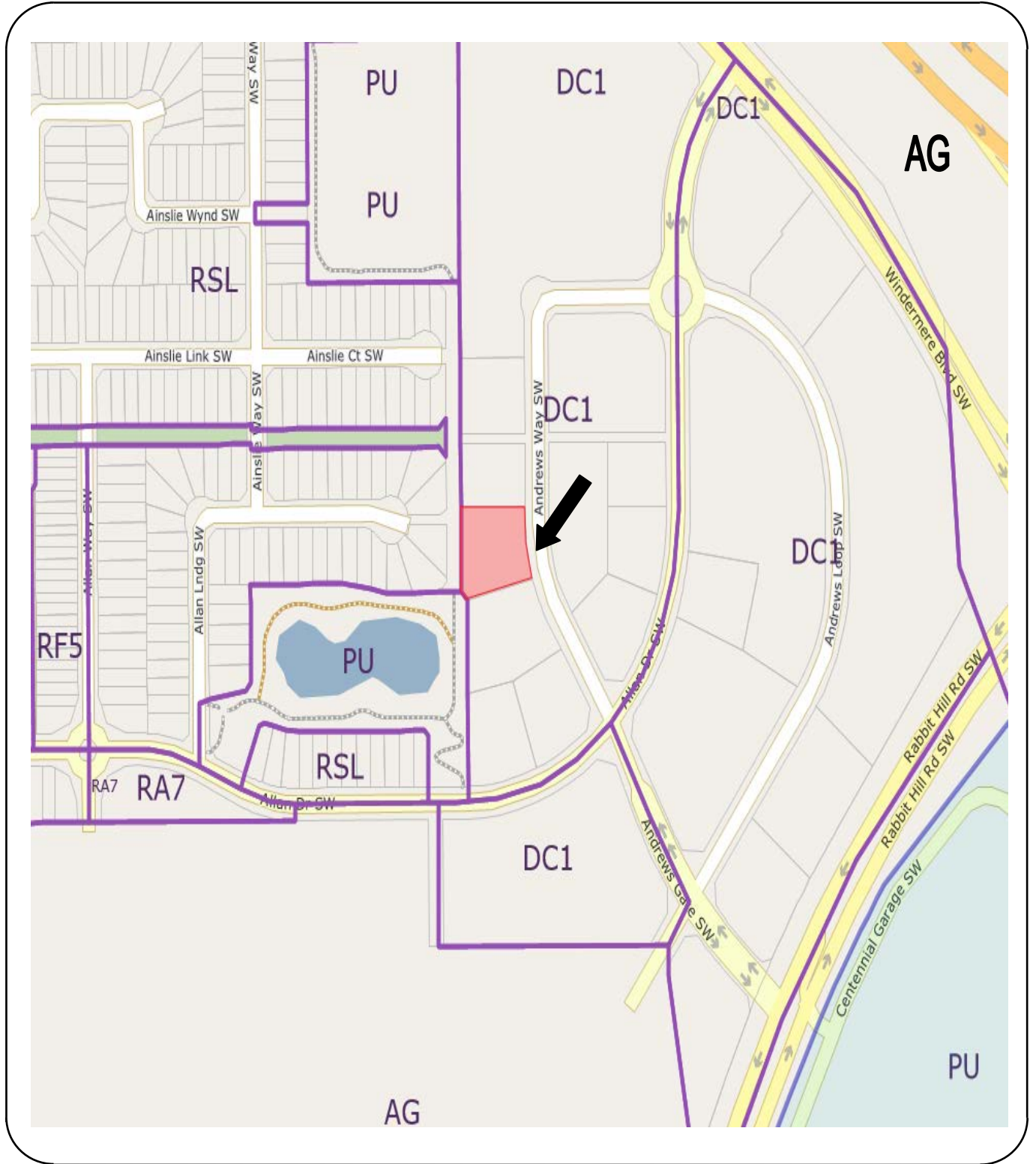
Project Number: **271687264-001**
Application Date: JAN 10, 2018
Printed: April 11, 2018 at 8:13 AM
Page: 3 of 3

Major Development Permit

Issue Date: Mar 15, 2018 **Development Authority:** BUCCINO, SAMANTHA **Signature:** _____
Notice Period Begins: Mar 22, 2018 **Ends:** Apr 12, 2018

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$326.00	\$326.00	04735287	Jan 10, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$326.00	\$326.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-069



ITEM III: 1:30 P.M.

FILE: SDAB-D-18-070

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 267804471-001

APPLICATION TO: Construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), fireplace, rear uncovered deck (under 0.6 metres in height), Unenclosed Front Porch

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 24, 2017

DATE OF APPEAL: April 14, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9843 - 86 Avenue NW

LEGAL DESCRIPTION: Plan I7 Blk 93 Lot 34

ZONE: (RF2) Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

1. The City has maintained the position that I am not entitled to view or receive copies of the plans for the permitted property (the "Property"). I specifically asked to view/receive the plans, and was denied.
2. On April 5, 2018, I learned that the Property is being constructed with three stories, and much higher than the other homes on our street, appearing to stand taller than the permitted 8.4 m maximum height.

3. On April 5, 2018, I learned that, notwithstanding the permit conditions requiring compliance with Section 8 of the Mature Neighborhood Overlay (the "MNO"), multiple side windows are creating significant and inappropriate overlook into my home and amenity areas. I asked the Property owner about plans to ensure compliance with Section 8, and received no response. I am told by the City that I am not entitled to view those plans. On April 12 and 13, 2018, the windows were installed and I have learned that one (maybe 2) of the side windows are "frosted" in compliance with the MNO. The rest are not, creating significant and inappropriate and unwanted visual intrusion into my property.
4. A roof top deck is being constructed. I was told by the City that the permit does not allow a roof top deck.
5. The City is looking into these issues, but I am filing this Appeal in the meantime to preserve the limitation following notice of the above issues.

<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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Permitted and discretionary uses

642(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the decision was made and containing any other information required by the regulations, must be given or sent to the applicant on the same day the decision is made.

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.1 Class A Permitted Development

1. Within seven days of the issuance of a Development Permit for a Class A Permitted Development, the Development Officer shall dispatch a written notice describing the development and stating the Development Officer's decision, by ordinary mail to the applicant of the Development Permit.
2. For all lands in Residential Zones within the Mature Neighbourhood Overlay as shown in Appendix I to Section 814, and Established

Neighbourhoods as identified in Edmonton's The Way We Grow: Municipal Development Plan, Bylaw 15100, Maps:

- a. within seven days of the issuance of a Development Permit for a Class A Permitted Development, the Development Officer shall send notice of their decision to the municipal address and assessed owners of the land Abutting and directly adjacent across a Lane from the Site which is the subject of the Development Permit for construction of, and any demolition associated with new:
 - i. Apartment Housing, Duplex Housing, Garden Suite, Row Housing, Semi-detached Housing, Single Detached Housing, or Stacked Row Housing.

20.2 Class B Development

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land;
 - c. the President of each Community League; and
 - d. the President of each Business Revitalization Zone.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 120.1 states that the **General Purpose** of the **(RF2) Low Density Infill Zone** is:

...to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.

Under section 120.2(7), **Single Detached Housing** is a **Permitted Use** in the (RF2) Low Density Infill 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 in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

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.

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-17-105	To construct a Single Detached House with a veranda, Rooftop Terrace with Privacy Screening, fireplace, rear uncovered deck (under 0.6m in height), Secondary Suite in the Basement, and to demolish the existing Single Detached House and Accessory Building (rear detached Garage).	June 29, 2017; The appeal is denied and the decision of the Development Authority is Confirmed. Court of Appeal 2017 ABCA 354 (Leave to Appeal)

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: **267804471-001**
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House Development and Building Permit

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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.

Applicant	Property Address(es) and Legal Description(s) 9843 - 86 AVENUE NW Plan I7 Blk 93 Lot 34 Location(s) of Work Entryway: 9843 - 86 AVENUE NW Building: 9843 - 86 AVENUE NW RF2, MND
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Scope of Permit
 To construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), fireplace, rear uncovered deck (under 0.6 m in height), Unenclosed Front Porch

Permit Details Affected Floor Area (sq. ft.): 2028 Class of Permit: Class A Front Yard (m): 4.8 Rear Yard (m): 17.6 Side Yard, left (m): 1.2 Site Area (sq. m.): 353.6 Site Width (m): 10.06	Building Height to Midpoint (m): 8.4 Dwelling Type: Single Detached House Home Design Type: 3-storey Secondary Suite Included?: N Side Yard, right (m): 1.5 Site Depth (m): 35.19 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
 Approved



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House Development and Building Permit

Subject to the Following Conditions

The Development shall be constructed in accordance with the stamped and approved drawings.

1. WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.5)
2. Windows and privacy screening shall incorporate frosted glass in accordance with the stamped approved drawings and in accordance with Section 814.3(8).
3. Any Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties (Section 814.3(9)).
4. All Yards visible from a public roadway, other than a Lane, shall be seeded or sodded. Seeding or sodding may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens (Reference Section 55.2.1).
5. Landscaping shall be provided on a Site within 18 months of the occupancy of the Single Detached House. Trees and shrubs shall be maintained on a Site for a minimum of 42 months after the occupancy of the Single Detached House (Reference Section 55.2.1).
6. Landscaping shall be installed and maintained in accordance with Section 55.
7. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw.

ADVISEMENTS:

- i. Lot grades must match the Edmonton Drainage Bylaw 16200 and/or comply with the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.
- ii. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
- iii. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site.
- iv. A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 24, 2017 **Development Authority:** HETHERINGTON, FIONA **Signature:** _____

Building Permit Decision

Issued



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House Development and Building Permit

Conditions of Issuance

P.E. J.Bosse

PRESCRIPTIVE PATH PROJECT

IF any prescriptive path building assemblies change during the course of construction, submit for review and approval before booking final inspection for occupancy, one of:

- * as-built (revised) assemblies/components demonstrating prescriptive compliance; OR
- * as-built trade-off calculations demonstrating similar or better level of performance to that of the involved reference assemblies, with revised plans demonstrating locations of trade-offs; OR
- * as-built House Performance Compliance Calculation Report/Summary confirming actual construction with revised annual energy consumption calculations, demonstrating similar or better level of performance to that of the reference building.

-Any other deviation from the approved drawings, including site plans, shall be made with written approval of the permit issuing office.

-Secure rear door with guard, or install access steps/landing complete guard/handrails.

-Sulphate-resistant HS (formerly Type 50) 32 MPa concrete shall be used for any footing, foundation wall, pile or grade beam.

-Air barrier construction shall conform to ABC2014:B:9.25.3 and 9.36.2.9. and 9.36.2.10.

-All trades permit inspections must be completed before booking final inspection for occupancy.

-Dial 311 (780-442-5311 outside Edmonton) to book inspections.

-No building or part thereof may be occupied unless permission is granted by the Building Safety Codes Officer.

-The approved drawings for which the building permit is issued must be available on the site for use of Safety Codes Officers (building inspectors).

BASEMENT:

-An interconnected smoke alarm is required Per Article 9.10.19.3 of the Alberta Building Code 2014

-A Carbon Monoxide Detector, as per ABC 2014 9.32.3.9. is required, on every Floor level containing a Bedroom.

-Insulation and vapour barrier shall be protected when laundry or utility equipment is located within 1200mm (4ft).

-Service room is required to be enclosed, complete with a 32 inch x 78 inch door.

-A handrail is required to be continuous throughout the length of a stair, including landings (32 inch to 38 inch high)

-All rooms used as a bedroom require an openable window. The minimum unobstructed opening is required to be not less than 15 inch (380mm) in height and width and to have an area of 3.77 sq. ft. (0.35 sq. m.). ***Egress equivalency is determined by actual clear opening (not rough opening size) ***

-Where a window well is required a minimum clearance of 30 inch (760mm) is required in front of the window and the operation of the window shall not reduce this clearance.

-If a Window is provided with security bars the bars shall be operable from the inside without the use of any special knowledge or tools.

DECK:

-Stairs/guards/handrails are to comply with Section 9.8. of the 2014 Alberta Building Code.

-Prior to installation of metal or vinyl guards the Applicant is required to provide Product Approval documentation referencing the Manufacturers design criteria as per Section 9.4.1.1/4.1.5.14. of the 2014 Alberta Building Code.

-Glass in guards shall be safety glass, laminated or tempered type that conforms with CAN/CGSB-12.1-M "Tempered or Laminated Safety Glass"

-For service line location please call Alberta One Call at 1-800-242-3447.

-Every building permit expires if the undertaking to which it applies is not started within 90 days from the date of issue of the permit or if abandoned for a period of 120 days. If expired, a new permit must be obtained and fees paid before work is commenced or restarted.

-Public land shall not be used for any purpose including storage of materials without prior written permission from the City of Edmonton.



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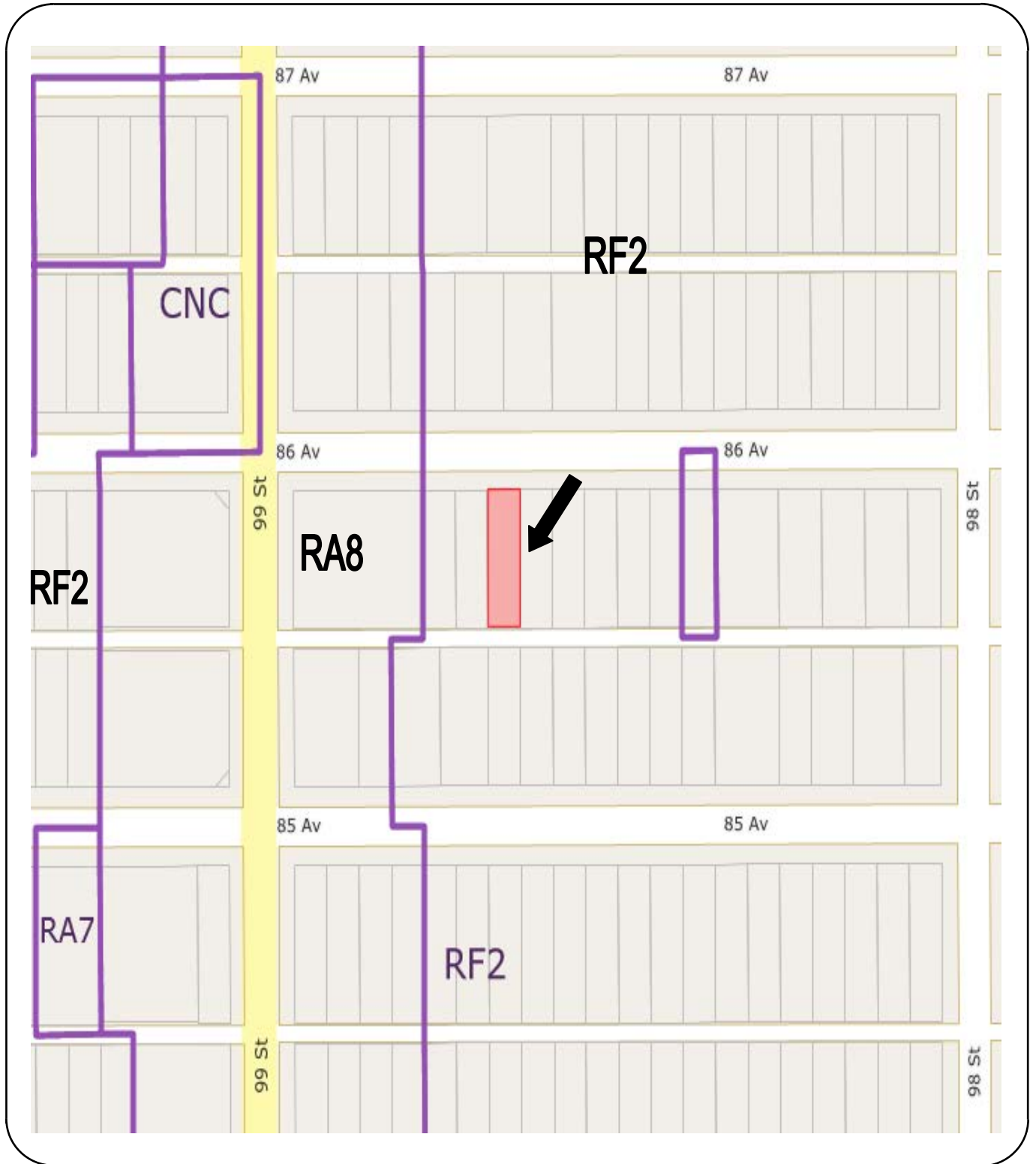
House Development and Building Permit

- Owner and constructor are responsible and will be held liable for any damage to public roads, sidewalks, boulevards, landscaping, trees and utilities caused by construction-related activities.
- Construction must comply with the requirements of ABC, and the Safety Codes Act and related regulations.
- An owner or constructor shall, upon request, provide written assurance from the person supervising construction that the construction was in compliance with the requirements of ABC and any permits issued.

Issue Date: Apr 06, 2018 **Safety Codes Officer:** BOSSE, JOSH, KUHN, DANIEL **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$79.00	\$79.00	04636385	Nov 22, 2017
Electrical Safety Codes Fee	\$15.78	\$15.78	04636385	Nov 22, 2017
Water Usage Fee	\$49.61	\$49.61	04636385	Nov 22, 2017
Lot Grading Fee	\$140.00	\$140.00	04636385	Nov 22, 2017
Safety Codes Fee	\$72.32	\$72.32	04636385	Nov 22, 2017
Development Permit Inspection Fee	\$200.00	\$200.00	04636385	Nov 22, 2017
Building Permit Fee	\$1,808.00	\$1,808.00	04636385	Nov 22, 2017
Electrical Fees (House)	\$282.00	\$282.00	04636385	Nov 22, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,646.71	\$2,646.71		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-070

