

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
July 29, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TO BE RAISED

I 9:00 A.M. SDAB-D-20-082

To construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear covered deck (7.01m x 2.44m), Basement development (NOT to be used as an additional Dwelling), and to demolish a Single Detached House and Accessory building (detached Garage)

11159 - 73 Avenue NW
Project No.: 351893048-001

II 9:00 A.M. SDAB-D-20-098

To develop a Secondary Suite in the Basement of a Single Detached House

16256 - 64 Street NW
Project No.: 362566056-002

III 9:00 A.M. SDAB-D-20-096

To operate a Major Home Based Business (Pet grooming - WHO GROOMED THAT DOG?) Expires June 5, 2025.

119, 646 - Mcallister Loop SW
Project No.: 363240873-001

IV 9:00 A.M. SDAB-D-20-097

To construct a Limited Group Home (maximum 6 residents) and to demolish three Accessory buildings (garage and sheds)

12130 - 184 Street NW
Project No.: 357192254-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED

ITEM 1:9:00 A.M.

FILE: SDAB-D-20-082

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 351893048-001

APPLICATION TO: Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear covered deck (7.01m x 2.44m), Basement development (NOT to be used as an additional Dwelling), and to demolish a Single Detached House and Accessory building (detached Garage)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 12, 2020

DATE OF APPEAL: June 1, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11159 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 1366HW Blk 9 Lot 3

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

See detailed reasons for appeal on file.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on June 24, 2020:

That the appeal hearing be adjourned and rescheduled for July 29, 2020 to allow the parties the opportunity to submit further information they consider appropriate concerning the application of a recent decision from the Court of Appeal (Mohr v Strathcona (County), 2020 ABCA 187).

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 written decision is given 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.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means “development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this 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 scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.”

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

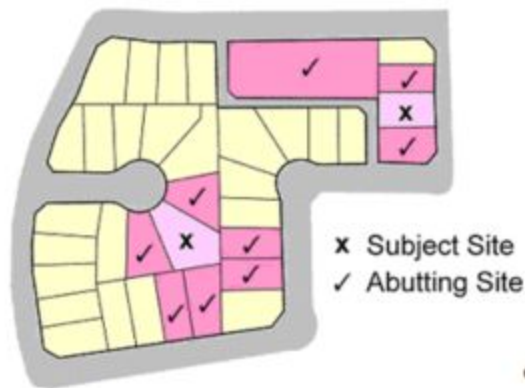
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Driveway

Section 814.3(17) states “Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue.”

Under section 6.1 **Abut** or **abutting** means:

immediately contiguous to or physically touching, and when used with respect to a lot or Site, means that the lot or Site physically touches upon another lot, Site, or piece of land, and shares a property line or boundary line with it;



Under section 6.1 **Lane** means “an alley as defined in the Traffic Safety Act.”

Under section 6.1 **Driveway** means “an area that provides for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Development Officer’s Determination

1. **Vehicular Access - Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue (Section 814.3.17).**

Proposed: The driveway is located off of 73 Avenue (front) instead of the alley.

Attached Garage

Section 814.3(18) states Attached Garages shall be developed in accordance with the following:

- a. a Garage may protrude beyond the front or flanking wall of the principal building a distance that is characteristic of existing Garages on the blockface;
- b. a Garage may have a maximum width that is characteristic of the width of existing attached Garages on the blockface;
- c. building mass shall be articulated through features such as recessions or off-sets, architectural treatments, and Landscaping...

Development Officer’s Determination

2. **Front Attached Garage - A Garage may protrude beyond the front or flanking wall of the principal building a distance that is characteristic of existing Garages on the blockface and a Garage may have a maximum width that is characteristic of the width of existing attached Garages on the blockface (Section 814.3.18).**

Proposed: There are no other front attached garages on the blockface.

Projection into Setbacks

Section 44.1(a) states:

The following features may project into a required Setback or Separation Space as provided for below:

verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks, such steps shall not exceed a Height of 1.0 m.

Development Officer's Determination

- 3. Rear Projection - A veranda may project into a required Setback provided it does not exceed 0.6m in the case of Setbacks or Separation Spaces of 1.2m or greater (Section 44.1). Required: 15.7m (16.3m - 0.6m)**

Proposed: 14.0m Deficient by: 1.7m

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c.. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to

approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(17) - Driveway Access 814.3(18) - Attached Garage

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.

	<h2>Application for Minor Development Permit</h2>		Project Number: 351893048-001 Application Date: JAN 10, 2020 Printed: May 12, 2020 at 2:10 PM Page: 1 of 2	
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 11159 - 73 AVENUE NW Plan 1366HW Blk 9 Lot 3 Specific Address(es) Entryway: 11159 - 73 AVENUE NW Building: 11159 - 73 AVENUE NW			
Scope of Application To construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear covered deck (7.01m x 2.44m), Basement development (NOT to be used as an additional Dwelling), and to demolish a Single Detached House and Accessory building (detached Garage).				
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>			# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay			
Development Application Decision Refused Issue Date: May 12, 2020 Development Authority: ZHOU, ROWLEY Reason for Refusal <ol style="list-style-type: none"> 1. Vehicular Access - Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue (Section 814.3.17). Proposed: The driveway is located off of 73 Avenue (front) instead of the alley. 2. Front Attached Garage - A Garage may protrude beyond the front or flanking wall of the principal building a distance that is characteristic of existing Garages on the blockface and a Garage may have a maximum width that is characteristic of the width of existing attached Garages on the blockface (Section 814.3.18). Proposed: There are no other front attached garages on the blockface. 3. Rear Projection - A veranda may project into a required Setback provided it does not exceed 0.6m in the case of Setbacks or Separation Spaces of 1.2m or greater (Section 44.1). Required: 15.7m (16.3m - 0.6m) Proposed: 14.0m Deficient by: 1.7m Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
Fees				



Project Number: **351893048-001**
Application Date: JAN 10, 2020
Printed: May 12, 2020 at 2:10 PM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$211.00	\$211.00	06372194	Jan 10, 2020
Dev. Application Fee	\$502.00	\$502.00	06372194	Jan 10, 2020
Lot Grading Fee	\$148.00	\$148.00	06372194	Jan 10, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$861.00</u>	<u>\$861.00</u>		

THIS IS NOT A PERMIT

ITEM II: 9:00 A.M.

FILE: SDAB-D-20-098

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 362566056-002

APPLICATION TO: Develop a Secondary Suite in the Basement of a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 12, 2020

DATE OF APPEAL: July 3, 2020

NOTIFICATION PERIOD: June 12, 2020 through June 26, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16256 - 64 Street NW

LEGAL DESCRIPTION: Plan 1821737 Blk 15 Lot 25

ZONE: (RF2) Low Density Infill Zone

OVERLAY: N/A

STATUTORY PLAN(S): Matt Berry Neighbourhood Structure Plan
Pilot Sound Area Structure Plan

Grounds for Appeal

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

I wish to appeal the development permit for a secondary suite in the basement of a single detached house. My basis for the appeal is overcrowding and insufficient parking for the development.

A variance to parking was approved to allow for tandem parking for this development as the home has a single car garage and a single parking pad in front of the garage.

Now, common sense would dictate that these parking spaces will not be sufficient for two separate residencies.

Take for instance if the upstairs occupant needs to leave the house - they are going to have to notify the secondary suite occupant that the need to leave the home and they need to get their vehicle out of the garage? there is no alternative parking on the street in front of these homes as the lot is no wider than the single car parking pad. this is not going to happen and as there is already the city owned space of the mail boxes and the bus stops located on either side of the street there is nowhere else for parking to occur which would force these residents to park down on other residential suites where they do not live.

I believe that the variance granted in regards to parking was granted in error and is not an acceptable solution.

<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 written decision is given 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.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;

- (a.2) subject to section 638, must comply with any applicable statutory plans;
 - (a.3) subject to clause (d), must comply with any land use bylaw in effect;
 - (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
 - ...
 - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 120.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF2) Low Density Infill Zone**.

Under section 120.2(5), **Secondary Suites**, where developed within Single Detached Housing, Semi-Detached Housing or Duplex Housing, is a **Permitted Use** in the **(RF2) Low Density Infill Zone**.

Under section 7.2(8), **Single Detached Housing** means “development consisting of a building containing one principal Dwelling which is separate from any other principal

Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.”

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Section 120.1 states that the **General Purpose** of the **(RF2) Low Density Infill Zone** is “To allow for Single Detached Housing, infill on narrow lots, Semi-detached Housing, Duplex Housing, Secondary Suites and Garden Suites.”

Parking

It should be noted that on June 23, 2020 Council passed Charter Bylaw 19275 that removed the minimum parking requirements.


Development Officer’s Determination

Parking - Tandem parking is allowed for the 2 required parking spaces (Section 54.1.2.f)

[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.

	<p>Project Number: 362566056-002 Application Date: MAY 20, 2020 Printed: June 12, 2020 at 4:08 PM Page: 1 of 3</p>				
<h2>Secondary Suite Permit</h2>					
<p>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.</p>					
Applicant	Property Address(es) and Legal Description(s) 16256 - 64 STREET NW Plan 1821737 Blk 15 Lot 25				
Scope of Permit To develop a Secondary Suite in the Basement of a Single Detached House.					
Permit Details <table border="0" style="width: 100%;"><tr><td style="width: 50%;">Class Of Permit: Class A</td><td style="width: 50%;">Site Area (sq. m.): 361.59</td></tr><tr><td>Stat. Plan Overlay/Annex Area: (none)</td><td></td></tr></table>		Class Of Permit: Class A	Site Area (sq. m.): 361.59	Stat. Plan Overlay/Annex Area: (none)	
Class Of Permit: Class A	Site Area (sq. m.): 361.59				
Stat. Plan Overlay/Annex Area: (none)					
Development Permit Decision Approved Issue Date: Jun 12, 2020 Development Authority: HONG, ESTHER					



Project Number: **362566056-002**
 Application Date: MAY 20, 2020
 Printed: June 12, 2020 at 4:08 PM
 Page: 2 of 3

Secondary Suite Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1).

This Development Permit authorizes the development of a Secondary Suite in the Basement of a Single Detached House.

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

For the Secondary Suite, 1 on-site parking space in addition to the parking requirements for the Principal Dwelling shall be provided (Section 54.2 Schedule 1).

All required parking shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced (Section 54.6.2).

A Secondary Suite shall be developed in such a manner that the exterior of the principal Dwelling containing the Secondary Suite shall appear as a single Dwelling from a public roadway other than a Lane (Section 86.2).

Only one of a Secondary Suite or a Garden Suite may be developed in conjunction with each principal Dwelling, except in the RF1, RF2, and RF3 Zones where one Secondary Suite and one Garden Suite may both be developed in conjunction with a Single Detached House (Section 86.3).

A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, Child Care Services or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business (Section 86.4).

A maximum of one Household shall occupy a Secondary Suite (Reference Section 86.5).

Secondary Suites shall not be included in the calculation of densities in this Bylaw (Section 86.6).

Locked separation that restricts the nonconsensual movement of persons between each Dwelling unit shall be installed.

ADVISEMENTS:

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 (Section 5.2).

Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Variances

Parking - Tandem parking is allowed for the 2 required parking spaces (Section 54.1.2.f)

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.

Notice Period Begins: Jun 18, 2020

Ends: Jul 09, 2020

Building Permit Decision



Project Number: **362566056-002**
Application Date: MAY 20, 2020
Printed: June 12, 2020 at 4:08 PM
Page: 3 of 3

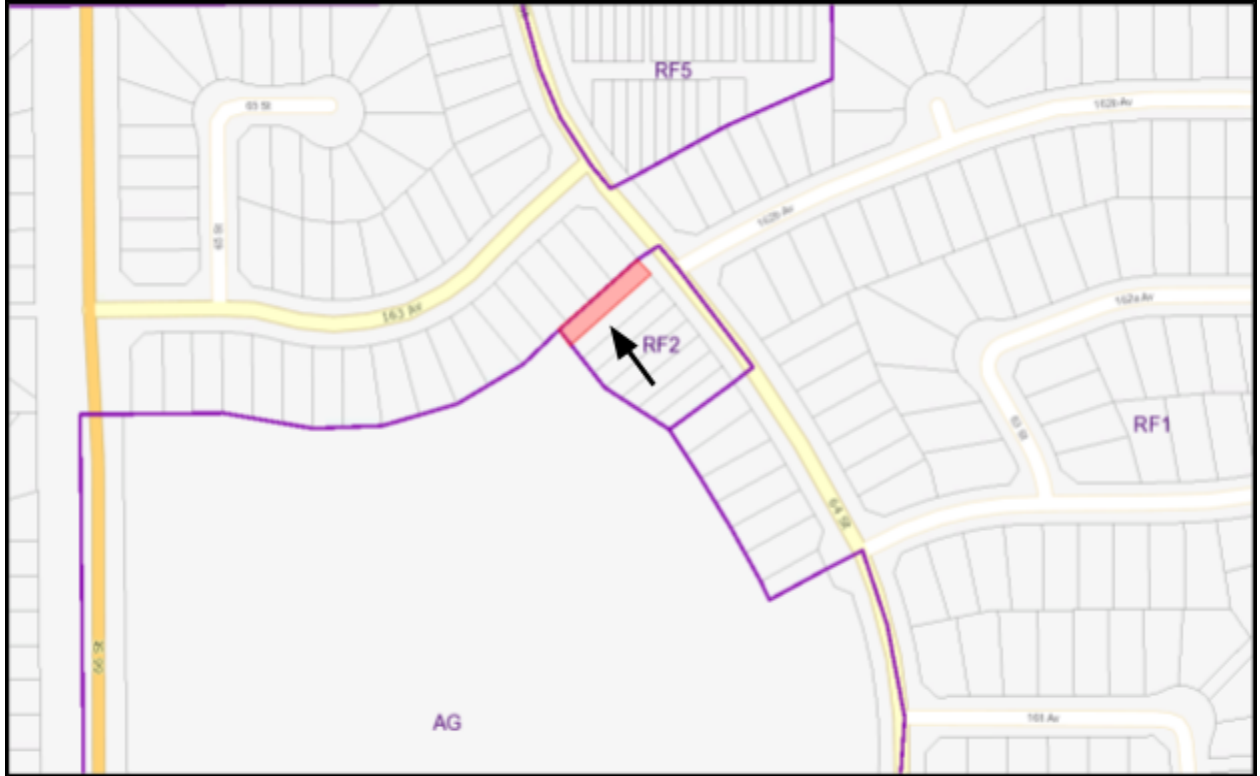
Secondary Suite Permit

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$758.00	\$758.00	95765663084S001	May 20, 2020
Safety Codes Fee	\$20.52	\$20.52	95765663084S001	May 20, 2020
Development Application Fee	\$293.00	\$293.00	95765663084S001	May 20, 2020
Building Permit Fee (Construction Value)	\$513.00	\$513.00	95765663084S001	May 20, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,584.52</u>	<u>\$1,584.52</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: **SDAB-D-20-098**

▲
N

ITEM III: 9:00 A.M.

FILE: SDAB-D-20-096

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 363240873-001

APPLICATION TO: Operate a Major Home Based Business (Pet grooming - WHO GROOMED THAT DOG?). Expires June 5, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 5, 2020

DATE OF APPEAL: June 30, 2020

NOTIFICATION PERIOD: June 11, 2020 through July 2, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 119, 646 - McAllister Loop SW

LEGAL DESCRIPTION: Plan 0627175 Unit 17, Condo Common Area (Plan 0627175)

ZONE: (RA7) Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: MacEwan Neighbourhood Area Structure Plan

Grounds for Appeal

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

The unit that this business is scheduled to operate in is a condo unit and I feel it would be detrimental to the other residents in the building to have this dog grooming business in this building. There would be increased traffic and increased strangers entering our building and more dogs to perhaps urinate or defecate on the property. Parking is already at a premium around our building so increased parking would be an issue.

<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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- (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 written decision is given 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.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 210.3(5), a **Major Home Based Business** is a **Discretionary Use** in the **(RA7) Low Rise Apartment Zone**.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

Section 210.1 states that the **General Purpose** of the **(RA7) Low Rise Apartment Zone** is “To provide a Zone for low rise Multi-unit Housing.”

Discretionary Use

Development Officer’s Determination

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Bylaw, and there are no variances to the development regulations.

[unedited]

Major Home Based Business


Under section 75 a **Major Home Based Business** shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.
10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary

Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

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.

	Project Number: 363240873-001 Application Date: MAY 26, 2020 Printed: June 5, 2020 at 12:07 PM Page: 1 of 3		
<h2>Home Occupation</h2>			
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	<table border="1"> <tr> <td data-bbox="813 447 1393 596"> Property Address(es) and Legal Description(s) 646 - MCALLISTER LOOP SW Condo Common Area (Plan 0627175) 119, 646 - MCALLISTER LOOP SW Plan 0627175 Unit 17 </td> </tr> <tr> <td data-bbox="813 602 1393 695"> Specific Address(es) Entryway: 646 - MCALLISTER LOOP SW Building: 646 - MCALLISTER LOOP SW </td> </tr> </table>	Property Address(es) and Legal Description(s) 646 - MCALLISTER LOOP SW Condo Common Area (Plan 0627175) 119, 646 - MCALLISTER LOOP SW Plan 0627175 Unit 17	Specific Address(es) Entryway: 646 - MCALLISTER LOOP SW Building: 646 - MCALLISTER LOOP SW
Property Address(es) and Legal Description(s) 646 - MCALLISTER LOOP SW Condo Common Area (Plan 0627175) 119, 646 - MCALLISTER LOOP SW Plan 0627175 Unit 17			
Specific Address(es) Entryway: 646 - MCALLISTER LOOP SW Building: 646 - MCALLISTER LOOP SW			
Scope of Permit To operate a Major Home Based Business (Pet grooming - WHO GROOMED THAT DOG?). Expires June 5, 2025.			
Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="269 827 808 982"> # of business related visits/day: 3 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N </td> <td data-bbox="813 827 1393 982"> # of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Pet grooming Up to 3 client visits per day by appointment only. Expiry Date: 2025-06-05 00:00:00 </td> </tr> </table>		# of business related visits/day: 3 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Pet grooming Up to 3 client visits per day by appointment only. Expiry Date: 2025-06-05 00:00:00
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Development Permit Decision Approved Issue Date: Jun 05, 2020 Development Authority: FOLKMAN, JEREMY			

Home Occupation

Subject to the Following Conditions

Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. Clients visit must be by-appointment only and appointments shall not overlap.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. Pets shall be kept indoor for the duration of the stay and overnight stay is prohibited.
9. No noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
10. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
11. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
12. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
13. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on June 5, 2025.

Notes:

1. 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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. 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).



Project Number: **363240873-001**
Application Date: MAY 26, 2020
Printed: June 5, 2020 at 12:07 PM
Page: 3 of 3

Home Occupation

Variations

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Bylaw, and there are no variations to the development regulations.

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.

Notice Period Begins: Jun 11, 2020

Ends: Jul 02, 2020

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$327.00	\$327.00	96118806445F001	May 30, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$327.00	\$327.00		

ITEM IV: 9:00 A.M.

FILE: SDAB-D-20-097

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 357192254-002

APPLICATION TO: Construct a Limited Group Home (maximum 6 residents) and to demolish three Accessory buildings (garage and sheds)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 8, 2020

DATE OF APPEAL: July 2, 2020

NOTIFICATION PERIOD: June 16, 2020 through July 7, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12130 - 184 Street NW

LEGAL DESCRIPTION: Plan 9323292 Lot 11B

ZONE: DC2.369 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

Myself and a number of neighbours have not been provided with updated plans.

Including:

Architectural plans showing elevations and roof line,

Detailed exterior finishes, as well as details and elevations of front and side fence.

In our recent on-site meeting with the owner and engineer it was indicated that the plans approved by the development officer have since been modified.

<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

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 written decision is given 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.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control

District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

General Provisions from the DC2.369 Site Specific Development Control Provision (“DC2”):

Under section DC2.369.3.b, **Limited Group Homes** is a Listed Use in the DC2.

Section DC2.369.5.c states “Group Homes shall be developed in accordance with Section 91 of the Land Use Bylaw.”

Section DC2.369.1 states that the **General Purpose** of the DC2 is:

To establish a Site Specific Development Control District to accommodate rural residential development on lots a minimum of 0.4 ha in size, without the full range of piped urban utility services.

The proposed District provides an interim solution to fulfil City Council's directive that Mooncrest Park be designated as a residential development, recognizing the current rural unserviced nature of the area and the long term likelihood of neighbourhood area structure plans being prepared for the Mooncrest Park Subdivision and adjacent areas, as proposed in the Kinokamau Plains Servicing Concept Design Brief.

General Provisions from the Edmonton Land Use Bylaw 5996:

Under section 10.2(5)(5b), **Limited Group Home** means:

development consisting of the use of a building as a facility which is recognized, authorized, licensed or certified by a public authority as a social care facility intended to provide room and board for six residents or less, exclusive of staff, for foster children or disabled persons, or for persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents either through selfhelp or professional care, guidance and supervision. The residential character of the development shall be primary, with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This Use Class does not include Extended Medical

Treatment Services such as drug and alcohol addiction treatment centres. A typical use is a "half way house" of six residents or less, excluding staff.

General Provisions from the *Edmonton Zoning Bylaw 12800*:

Under section 7.3(4), **Limited Group Home** means:

a building used for Congregate Living with not more than six residents, excluding staff, who have moderate and non-severe physical, cognitive or behavioral health issues and who require on-site professional care and supervision to perform daily living tasks, improve wellness, achieve stable and harmonious tenancy, or to exit safely in the event of an emergency.

A Limited Group Home is a home which:

1. provides continuous (24 hours, seven days a week) on-site professional care and supervision by staff licensed or certified to provide such care;
2. can reasonably expect two or fewer visits by emergency services per month; and
3. is located in a freestanding structure that is purpose-built or wholly converted for that purpose.

This Use does not include Extended Medical Treatment Services, Detention and Correction Facilities, Fraternity and Sorority Housing, Group Homes, and Lodging Houses.

<i>Direct Control Zone</i>

Development Officer's Determination


You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Land Use Bylaw and Zoning Bylaw and there are no variances to development regulations.

[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.

	Project Number: 357192254-002 Application Date: MAR 10, 2020 Printed: July 2, 2020 at 3:26 PM Page: 1 of 7										
<h2>Major Development Permit</h2>											
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	<table border="1"> <tr> <td colspan="2" data-bbox="813 520 1408 611"> Property Address(es) and Legal Description(s) 12130 - 184 STREET NW Plan 9323292 Lot 11B </td> </tr> <tr> <td colspan="2" data-bbox="813 617 1408 646"> Specific Address(es) </td> </tr> <tr> <td data-bbox="813 653 1408 682"> Suite: 12130 - 184 STREET NW </td> <td></td> </tr> <tr> <td data-bbox="813 688 1408 718"> Entryway: 12130 - 184 STREET NW </td> <td></td> </tr> <tr> <td data-bbox="813 724 1408 743"> Building: 12130 - 184 STREET NW </td> <td></td> </tr> </table>	Property Address(es) and Legal Description(s) 12130 - 184 STREET NW Plan 9323292 Lot 11B		Specific Address(es)		Suite: 12130 - 184 STREET NW		Entryway: 12130 - 184 STREET NW		Building: 12130 - 184 STREET NW	
Property Address(es) and Legal Description(s) 12130 - 184 STREET NW Plan 9323292 Lot 11B											
Specific Address(es)											
Suite: 12130 - 184 STREET NW											
Entryway: 12130 - 184 STREET NW											
Building: 12130 - 184 STREET NW											
Scope of Permit To construct a Limited Group Home (maximum 6 residents) and to demolish three Accessory buildings (garage and sheds).											
Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="256 877 808 989"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 4027 </td> <td data-bbox="813 877 1408 989"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 4027	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)								
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 4027	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)										
Development Permit Decision Approved Issue Date: Jun 08, 2020 Development Authority: ZHOU, ROWLEY Subject to the Following Conditions <ol style="list-style-type: none"> A) Zoning Conditions: <ol style="list-style-type: none"> 1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1). 2. This Development Permit authorizes the development of a Limited Group Home (maximum 6 residents) and to demolish three Accessory buildings (garage and sheds). 3. WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6). 4. The development shall be constructed and demolished in accordance with the stamped and approved drawings. 5. An approved building permit for demolition is required prior to starting the demolition. 6. Immediately upon demolition of the building, the site shall be cleared of all debris. 7. The maximum number of residents excluding staff of the Limited Group Home shall not exceed 6. 8. The Limited Group Home shall provide continuous (24 hours, seven days a week) on-site professional care and supervision by staff licensed or certified to provide such care. 9. The Limited Group Home shall not generate pedestrian or vehicular traffic or parking in excess of what is characteristic of the District/Zone in which it is located. 10. Landscaping shall be installed and maintained in accordance with Section 55 and Section 69.4 of the Land Use Bylaw. 11. Any trash collection area, open storage area, or outdoor storage area, including any loading,unloading or vehicular service area 											



Project Number: **357192254-002**
 Application Date: MAR 10, 2020
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Major Development Permit

which is visible from an adjoining site in a Residential or Commercial District, or from a public roadway other than a lane, or from a Light Rail Transit Line, shall have screen planting (Land Use Bylaw Section 69.4.4).

12. Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

13. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building to the satisfaction of the Development Officer.

14. The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6.

15. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$3,424.00 (based on 2020 rates). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

16. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall enter into a servicing agreement, which will be prepared by the Sustainable Development. The applicant/owner should contact Raghda Abdelmonem at 780-442-7042, upon issuance of the Development Permit when he/she is ready to initiate the servicing agreement and make payment.

B) Drainage Services Conditions:

This advisement identifies the drainage assessments applicable to the property located at 12130 -184 Street NW_Plan 9323292 Lot 11B; Kinokamau Plains Area).

APPLICABLE ASSESSMENTS

1. Permanent Area Contribution (PAC)

- The PACs must be paid by entering into a servicing agreement, which will be prepared by the Sustainable Development. The applicant/owner should contact Raghda Abdelmonem at 780-442-7042, upon issuance of the Development Permit when he/she is ready to initiate the servicing agreement and make payment. The assessment area is 0.4027 ha. The assessment area is obtained from the City's information computer program called POSSE.

- The following is for information purposes and the rates are in year 2020. The final PAC amounts will be based on the prevailing rates at the time the applicant/owner pays and enters into a servicing agreement with the City.

Development Assessment Rate

Permanent Area Contributions

- CNR Intermodal Site Onsite Storm (2019 Rate) \$4,202/ha
- Master Drainage Study (NW Annex Area) (2019 Rate) \$43/ha
- Sanitary Servicing Strategy Expansion Assessment (EA) WESS (2020 Rate) \$30,563/ha

There may also be PAC over-expenditure, boundary condition & oversizing payment which can only be determined at the time the applicant/owner is ready to enter into a servicing agreement.

2. Arterial Roadway Assessment (ARA)

- Arterial Roadway Assessment (ARA) is not applicable, since the property is outside the current ARA Assessment area.

3. Sanitary Sewer Trunk Charge (SSTC)

- SSTC is applicable to the property for 2 single-family dwellings at 1,712/dwelling, which is based on our equivalency formula of 3 residents living units = One dwelling (6 resident living units / 3 [equivalency factor] = 2 single-family dwellings.
- The number of dwellings is based on the drawings submitted with the Application for Major Development Permit.



Project Number: **357192254-002**
 Application Date: MAR 10, 2020
 Printed: July 2, 2020 at 3:26 PM
 Page: 3 of 7

Major Development Permit

- For information purposes, the year 2020 rate is \$1,712/ single family dwelling. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at 2nd Floor cashiers, Edmonton Service Centre, 10111 – 104 Avenue NW

Additional Notes

1. The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.
2. In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.
3. More information about the above charges can be found on the City of Edmonton's website:

a. Permanent Area Contributions

https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx

b. Sanitary Servicing Strategy Expansion Assessment

https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx

c. Arterial Roadway Assessment

https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadway-assessments.aspx

d. Sanitary Sewer Trunk Charge


https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx

B) EPCOR Conditions:

1. Prior to the turning on of the water service, the applicant must submit bacteriological test results to EPCOR Water Dispatch, and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-6800 for more information on how to provide the test results. Water Dispatch can provide information on the tie-in and commissioning procedure.
2. The applicant is required to construct approximately 215m of new water main along 183 Street NW, approximately 55m of new water main along 122 Avenue NW and two new hydrants more or less as shown in the attachment (DP357192254-002_EPCOR Water Enclosure) at their expense. This work can be undertaken either under a Servicing Agreement or under EPCOR Water Services, Inc.'s New Water Distribution Mains capital program. For more information on the EPCOR New Water program, please contact EPCOR New Water at waterdtinfrastructure@epcor.com.
- a. Fire Rescue Services (FRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment (IFPA) at development permit application to alter or lessen on-street fire protection infrastructure upgrades, assuming certain criteria are met. The applicant may request that the Development Officer/City Planner initiate this review.
- b. A new cost share pilot program has started up in 2020 which may assist in offsetting any required infrastructure upgrades for the water system. Information about the new Infill Cost Share Program can be found at www.epcor.com/infill-cost-share.
3. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.

C) Landscaping Conditions:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).

	Project Number: 357192254-002 Application Date: MAR 10, 2020 Printed: July 2, 2020 at 3:26 PM Page: 4 of 7
<h2>Major Development Permit</h2>	
<p>2. Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.</p>	
<p>3. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.</p>	
<p>4. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.</p>	
<p>5. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed (www.edmonton.ca/landscapeinspectionrequest).</p>	
<p>6. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.</p>	
<p>7. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.</p>	
<p>D) Transportation Conditions:</p>	
<p>1. The owner must enter into an Agreement with the City of Edmonton for the following improvements:</p>	
<p>i. - The existing approximate 7.6 m wide culvert crossing to 184 Street must be removed and reconstructed to a 9.14 m wide culvert crossing, located 17.53 m from the south property line. Any portion of the existing access located outside of the proposed access must be removed with reconstruction of boulevard to grass.</p>	
<p>ii. - Removal of the existing approximate 6.8 m wide culvert crossing on the south side of 122 Avenue and restoration of the grassed boulevard;</p>	
<p>The Agreement must be signed PRIOR to the release of the drawings for Building Permit review. Please email development.coordination@edmonton.ca to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to the Raghda Abdelmonem (780-442-7042) of the Development Servicing Agreements Unit.</p>	
<p>Also:</p>	
<p>Engineering Drawings are required for the Agreement. The owner is also required to have a Civil Engineer submit stamped engineering drawings for approval by the City of Edmonton.</p>	
<p>The applicant must contact Loli Fernandez (780-944-7683) 72 hours prior to removal or construction within City road right-of-way.</p>	
<p>3. The proposed gate must not swing out over road right-of-way. It must either swing into the property or slide along the fence. No objects are permitted to encroach onto, over or under road right-of-way.</p>	
<p>4. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant. (To be included in all responses where there may be work within road right-of-way.)</p>	
<p>5. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance)</p>	

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permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
 the start/finish date of project;
 accommodation of pedestrians and vehicles during construction;
 confirmation of lay down area within legal road right of way if required;
 and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.
 It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

https://www.edmonton.ca/business_economy/oscam-permit-request.aspx and
https://www.edmonton.ca/business_economy/documents/PDF/ConstructionSafety.pdf

6. Any boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

E) Infill Fire Protection Assessment Conditions

1. Edmonton Fire Rescue Services (EFRS) has reviewed the existing on-street fire protection features and building details from the Development Permit for titled lot 12130 184 Street NW. The following assessment is provided.

2. Municipal hydrants serving the subject site are required to be spaced at a maximum distance of 90m from one another, the intent of which is to ensure sufficient resources for firefighting. Currently, a hydrant is provided in proximity to the development, however, spacing to the next nearest hydrants is approximately 124m and 240m, thus significantly exceeding the 90m maximum permitted spacing.

3. Applying the Fire Underwriters Survey methodology, EFRS has calculated a required fire flow of 50L/s for the proposed development. This fire flow result is contingent on the proposed development being fully sprinkler protected to the NFPA 13R Standard, and the National Building Code 2019, Alberta Edition. Hydraulic modelling information provided by EPCOR Water has indicated that the nearest hydrant (H16751) has sufficient residual pressure to supply the required 50L/s to fire apparatus staged in proximity to the new development. As a result, under the condition that the building is sprinklered, the existing water infrastructure provides sufficient capacity and availability such that new main and hydrants would not provide any operational benefit to EFRS for this development.

4. EFRS has confirmed that if the proposed development is not provided with sprinkler protection, the existing on-street fire protection infrastructure is insufficient to support the development. In this case, new water main and hydrants (as conditioned by EPCOR Water) are required to achieve compliance with the City Standards for on-street fire protection.

Subject to the Following Adviseements

A) Zoning Adviseements:


1. Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

2. Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

3. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

4. 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 (Section 5.2).

5. A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

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<p>6. This Development Permit is not a Business License. A separate application must be made for a Business Licence.</p> <p>B) EPCOR Advisements:</p> <ol style="list-style-type: none"> 1. No contractor or others employed by the applicant/owner may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure. 2. The site is currently not serviced with water and there are no existing water mains adjacent to the site to provide water service. <ol style="list-style-type: none"> a. Servicing from the existing 1050mm transmission water main along 184 Street NW will not be permitted. b. Please note lots in this area may experience service pressures below minimum water servicing pressure of 280 kPa based on Volume 4 of the City of Edmonton Design and Construction Standards. Developers must be made aware of this service pressure situation to design servicing and buildings accordingly. 3. For information on the provisioning of a new water service contact EPCOR Drainage, Infill Water and Sewer Servicing at wass.drainage@epcor.com or at 780-496-5444. 4. There is a severe deficiency in on-street hydrant spacing (distance between fire hydrants) adjacent to the property. City of Edmonton Standards requires hydrant spacing of 90m for the proposed zoning. Hydrant spacing in the area is approximately 222m (actual spacing) and does not meet the spacing requirement. 5. The depth of the site means that on-street fire protection will be unable to provide coverage over the complete site area. The applicant is advised to contact Fire Rescue Services for additional on-site fire protection requirements. <p>C) Fire Rescue Services Advisements:</p> <ol style="list-style-type: none"> 1. Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advisements for your implementation and information. 2. A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time). If you have any questions please contact Technical Services at cmsfpts@edmonton.ca. Reference: NFC(2019-AE) 5.6.1.3. Fire Safety Plan <ol style="list-style-type: none"> 1) Except as required in Sentence (2), prior to the commencement of construction, alteration or demolition operations, a fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site. Construction Site Fire Safety Plan Template: https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx 3. Confirm that the travel distance (not radius) from principal entrance to fire hydrant does not exceed 90 meters (non-sprinklered building) 4. Ensure that the hydrant(s) identified on the site plan are fully functional prior to construction. <p>D) Waste Management Advisements:</p> <ol style="list-style-type: none"> 1. This is a non-residential property and therefore is not mandated by Bylaw 18590 requiring the garbage and recycle service to be provided through the City Of Edmonton. This development will need to look at a private service provider for collection. 	
<p>Variations</p> <p>You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.</p> <p>Note: The proposed development complies with the Land Use Bylaw and Zoning Bylaw and there are no variations to development regulations.</p>	



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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.

Notice Period Begins: Jun 16, 2020

Ends: Jul 07, 2020

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$864.00	\$864.00	06486161,0647173	Mar 23, 2020
Development Permit Inspection Fee	\$528.00	\$528.00	06486161	Mar 23, 2020
Lot Grading Fee	\$240.00	\$240.00	06486161	Mar 23, 2020
Sanitary Sewer Trunk Fund 2012+	\$3,424.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,056.00	\$1,632.00		
(\$3,424.00 outstanding)				

