

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
April 4, 2019**

**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-19-047	Construct outdoor speakers on an existing rooftop patio accessory to a Bar and Neighbourhood Pub (remove a condition from DP#125605628-003) (CRAFT Beer Market) 10013 - 101A Avenue NW Project No.: 125605628-010
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II	1:00 P.M.	SDAB-D-19-048	Comply with an Order to complete all outstanding conditions of approval on or before February 22, 2019 or acquire a Development Permit that reflects the current development on the site before February 22, 2019 5450 - Calgary Trail NW Project No.: 107494670-003
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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-19-047

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

APPELLANT:

APPLICATION NO.: 125605628-010

APPLICATION TO: Construct outdoor speakers on an existing rooftop patio accessory to a Bar and Neighbourhood Pub (remove a condition from DP#125605628-003) (CRAFT Beer Market)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: February 11, 2019

DATE OF APPEAL: March 6, 2019

NOTIFICATION PERIOD: February 19, 2019 through March 12, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10013 - 101A Avenue NW

LEGAL DESCRIPTION: Plan F Lots 29-30

ZONE: CCA-Core Commercial Arts Zone

OVERLAY: Special Area Downtown

STATUTORY PLAN: Capital City Downtown 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 that has been approved for the provision of outdoor speakers on an existing rooftop patio accessory to CRAFT Beer Market (the removal of a condition from DP#125605628-003),

as this permit is in contravention to Bylaw 14600, Part III – Noise Control, Sections 21 and 22, Daytime and Overnight decibel limits – non residential.

The neighbourhood in which the development is located is zoned as CCA, Core Commercial Arts Zone. According to Bylaw 12800, this zone is intended to be high density, multi-use area. Its permitted uses under Section 2 (Bylaw 16224, September 10, 2012), include (a) Apartment housing, and (d) Bars and Neighborhood pubs. The Capital City Downtown Plan notes that residential development in the Downtown has proved an important ingredient in creating a sustainable local economy, and that the strong residential population stimulates and makes viable retail and services. The CRAFT Beer Market is immediately surrounded by two large-scale apartment buildings, the McLeod Building to the east, and the Cambridge Lofts to the south. Both buildings have units that face directly onto the CRAFT Beer Market rooftop patio.

Under the Alberta Gaming, Liquor and Cannabis agency Licensee Handbook, Section 5.1.1.a), all licensed premises are permitted to operate from 10:00 a.m. – 2:00 a.m. It is reasonable to expect that the recently approved outdoor speakers on the existing rooftop patio will be in operation during the business' maximum hours of operation. This action conflicts with the above-noted Bylaw 14600, which does not permit any sound exceeding 75 dB(A), as measured at the property line of a property zoned for use other than residential, between 7 a.m. and 10 p.m, and restricts any sound exceeding 60 dB(A), as measured at the property line of a property zoned for use other than residential, after 10 p.m or before 7 a.m.

This development permit negatively affects residents in the immediate area, and may affect the long-term viability of residence in the Core Commercial Arts zone. This in turn may affect the sustainability of the local economy and viability of businesses in the area, including CRAFT Beer Market. Please reconsider Development Permit #125605628-010. Thank you.

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 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 clauses (a.4) and (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*:

Section 910.5(3)(b) states **Bars and Neighbourhood Pubs, for more than 200 occupants and 240 square metres of Public Space** is a **Discretionary Use** in the **(CCA) Core Commercial Arts Zone**.

Under Section 7.4(6), **Bars and Neighbourhood Pubs** means:

development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site. This Use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical Uses include neighbourhood pubs, bars, and cocktail lounges. This Use does not include Cannabis Lounges.

Section 910.5(1), the **General Purpose** of the (CCA) **Core Commercial Arts Zone** is:

to provide a Zone for a variety of high density and quality development that accommodates office, retail, service, institutional, residential, arts and entertainment Uses and meet the Use objectives for the Commercial Cultural Core. The intent is to further strengthen the Downtown's central area by providing continuous retail at ground level, enhancing arts and entertainment activities, accommodating Residential Uses and making the Core more pedestrian friendly.

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*.

Outdoor Speakers

90. Outdoor Seating Associated With Speciality Food Services, Restaurants, Bars and Neighbourhood Pubs, and Nightclubs

1. If any Specialty Food Service, Restaurant, Bar and Neighbourhood Pub or Nightclub abuts or is across a Lane from a Site zoned residential or a Site with a residential development, the Development Officer shall draw a line parallel to the boundary or Lane separating each such residential development or Zone and bisecting the Site containing the Specialty Food Service, Restaurant, Bar and Neighbourhood Pub or Nightclub Uses and shall not allow any outdoor seating on the side of any such line that is closest to the Residential Zone or development.
2. Outdoor speakers or amplification systems shall not be allowed on a Site that abuts or is across the Lane from a Site zoned residential.

Development Officer's Determination

Outdoor Speakers - Outdoor speakers are approved for a rooftop patio of a Bar and Neighbourhood Pub abutting Residential. (Reference Section 90.2)

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: 125605628-010
Application Date: DEC 13, 2018
Printed: February 11, 2019 at 3:41 PM
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

Property Address(es) and Legal Description(s)

10013 - 101A AVENUE NW
Plan F Lots 29-30

Specific Address(es)

Entryway: 10013 - 101A AVENUE NW
Building: 10013 - 101A AVENUE NW

Scope of Permit

To construct outdoor speakers on an existing rooftop patio accessory to a Bar and Neighbourhood Pub (remove a condition from DP#125605628-003). (CRAFT Beer Market)

Permit Details

Class of Permit: Class B
Gross Floor Area (sq.m.):
New Sewer Service Required: N
Site Area (sq. m.): 587.67

Contact Person:
Lot Grading Needed?: N
NumberOfMainFloorDwellings:
Stat. Plan Overlay/Annex Area: Downtown

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

Applicant signature: _____

Development Permit Decision

Approved

Issue Date: Feb 11, 2019 **Development Authority:** ADAMS, PAUL



Project Number: **125605628-010**
Application Date: DEC 13, 2018
Printed: February 11, 2019 at 3:41 PM
Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

1. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1.1.c)
2. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)
3. The applicant and Land Owner shall ensure that there is no negative impact to the abutting and adjacent Residential developments as a result of these outdoor speakers.
4. The applicant and Land Lord shall comply with the Community Standards Bylaw (Bylaw 14600).

ADVISEMENTS:

- a. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
- b. This Development Permit is NOT a Business Licence. A separate application must be made for a Business Licence. Please contact the 311 Call Centre (780-442-5311) for further information.
- c. Signs require separate Development Applications.
- d. 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 (780-442-5311) for further information.
- e. 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.
- f. 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. (Reference Section 5.2)
- g. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.

Variances

1. Outdoor Speakers - Outdoor speakers are approved for a rooftop patio of a Bar and Neighbourhood Pub abutting Residential. (Reference Section 90.2)
2. 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.

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:Feb 19, 2019

Ends: Mar 12, 2019



Project Number: **125605628-010**
Application Date: DEC 13, 2018
Printed: February 11, 2019 at 3:41 PM
Page: 3 of 3

Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$0.00	\$510.00	05582435	Jan 10, 2019
Major Dev. Application Fee	\$362.00	\$362.00	05582435	Jan 10, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$362.00</u>	<u>\$872.00</u>		
(overpaid by (\$510.00))				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-047



ITEM II: 1:00 P.M.

FILE: SDAB-D-19-048

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 107494670-003

APPLICATION TO: Comply with an Order to complete all outstanding conditions of approval on or before February 22, 2019 or acquire a Development Permit that reflects the current development on the site before February 22, 2019

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: January 24, 2019

DATE OF APPEAL: February 13, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5450 - Calgary Trail NW

LEGAL DESCRIPTION: Condo Common Area (Plan 0225899, 0226017, 0826604)

ZONE: CB2-General Business Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I cannot comply with the order by February 22, 2019. I intend on filing for a development permit.

General Matters

Appeal Information:

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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 clauses (a.4) and (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*:

Section 340.1 states the **General Purpose** of the **(CB2) General Business Zone** is to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.

<i>Previous Subdivision and Development Appeal Board Decisions</i>
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Application Number	Description	Decision
SDAB-D-11-182	To revise the landscaping plan and parking layout, and change the use of a portion of the building	September 9, 2011; that the appeal be DENIED and the decision of the Development

	from a General Retail Store to a Health Service (Reference Development Permit No. 1024854-13/15)	Authority CONFIRMED.
SDAB-D-11-120	To change the Use from a Retail Store to a Health Services with accessory Retail on the main floor Prestige Eyewear and to construct interior alterations located at 5450 and 5458 Calgary Trail NW.	June 30, 2011; that the appeal be DENIED and the decision of the Development Authority CONFIRMED
SDAB-D-11-087	To develop an outdoor patio for a Bar and Neighbourhood Pub (50 square metres of Public Space),	May 13, 2011; That the appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency of 53 parking spaces in the minimum required total number of onsite parking spaces be permitted and the requirement that an outdoor service not be permitted within a required Yard be waived, subject to conditions
SDAB-D-10-391	To construct an Off-premises Freestanding Animation Sign (4.26 metres by 14.6 metres) (Reference DP No. 864175).	December 10, 2010; that the appeal be DENIED and the decision of the Development Authority CONFIRMED
SDAB-D-09-323	To extend the duration of an existing Off-premises Freestanding Sign (4.26 metres by 14.6 metres)	January 22, 2010; that the appeal be DENIED and the decision of the Development Authority CONFIRMED.
SDAB-D-08-212	To change the use from General Retail to a Bar & Neighbourhood Pub, and construct interior alterations (92 seats, 124.8 square metres public space)	October 31, 2008; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency in the total on-site parking requirement of 44 parking stalls be permitted
SDAB-D-06-327	To change the use of a General Retail Store to a Health Service (Dentist) and construct interior alterations	January 19, 2007; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency of 14 spaces in the minimum required total number of parking spaces for

		both Phase 1 and Phase 2 be permitted.
SDAB-D-05-029	To extend the duration of an Off-premises Freestanding Sign (4.26 metres by 14.6 metres)	February 11, 2005; Appeal withdrawn
SDAB-D-04-209	To operate a Minor Alcohol Sales Establishment and to construct interior alterations	September 3, 2004; that the appeal be DENIED and the DEVELOPMENT GRANTED and a variance of two (2) parking stalls be permitted, reducing the requirement from 28 parking stalls to 26 parking stalls for Phase I
SDAB-D-02-146	To construct a second storey addition to a General Retail Building and revise the on-site parking lot and required landscaped yard setbacks	July 12, 2002; that the appeal be DENIED and the development REFUSED
SDAB-D-01-339	To construct and operate a General Retail Building and demolish an existing commercial use class building	November 1, 2001; that the appeal be DENIED and the DEVELOPMENT GRANTED and the relaxation to a variable landscape yard of 4.5 metres along Calgary Trail South and 5.5 metres along 55th Avenue be permitted, subject to the conditions

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.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

5th Floor, Edmonton Tower
10111 104 Avenue NW
Edmonton, AB T5J 0J4
Canada



edmonton.ca/developmentcompliance

January 21, 2019

Our File: 107494670-003

1203472 ALBERTA LTD
232 - ESTATE DRIVE
SHERWOOD PARK AB T8B 1L6

1293508 ALBERTA LTD
27 10550 - ELLERSLIE ROAD SW
EDMONTON AB T6W 0Y2

981338 ALBERTA LTD
5450 - CALGARY TRAIL SOUTH NW
EDMONTON AB T6H 4J8

ED'S GARAGE LTD
8 - WESTBROOK DRIVE NW
EDMONTON AB T6J 2C9

EDITH ANN BULLIS
202 - 5470 CALGARY TRAIL NW
EDMONTON AB T6H 4J8

RICK LANE LIEBRECHT
10679 - 61 STREET NW
EDMONTON AB T6A 2L4

RICK LANE LIEBRECHT
202 - 5470 CALGARY TRAIL NW
EDMONTON AB T6H 4J8

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 5450 - CALGARY TRAIL NW in Edmonton, Alberta, legally described as Condo Common Area (Plan 0225899, 0226017, 0826604).

This Property was inspected by Development Compliance Officer Justin Hogberg, on January 16, 2019. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

This property is zoned CB2 (General Business Zone) in accordance with Section 340 of Edmonton Zoning Bylaw 12800. Our investigation revealed the development has not been developed in accordance with Development Permit No. 107494670-002 issued on September 9, 2011 by the Subdivision and Development Appeal Board (SDAB-D-182).

Specifically, but not limited to:

- 1) Approved access locations have not been constructed as shown on the approved plans nor have the access locations that were not allowed filled in, the curb and gutter and sidewalk constructed with curb ramp, and the boulevard restored.
- 2) A 1.5 metre sidewalk is to be constructed on the west side of Calgary Trail service road to connect the existing north east sidewalk to the proposed 7.5 metre access.
- 3) A Municipal Improvement Agreement signed and a Letter of Credit in the amount of \$31,000.00 to cover 100 % of the construction costs submitted.
The City of Edmonton has not issued a development permit to amend Development Permit No.107494670-002 regarding the conditions of approval, which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO:

- 1) Complete all outstanding conditions of approval. This order is to be complied with on or before February 22, 2019

OR

- 2) Acquire a Development Permit that reflects the current development on the site before February 22, 2019.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after February 22, 2019 to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within the prescribed time to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act,

Hearing Date: Thursday, April 4, 2019

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R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-496-6220.

Regards,

Justin Hogberg
Development and Zoning
Development Services
Phone Number: 780-496-6220
Fax Number: 780-496-6054
Email Address: Justin.Hogberg@edmonton.ca

**Adding Amounts
Owing to tax roll**

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35;
- (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) Unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board
- (h.1) the expenses and costs of carrying out an order under section 646;
- (i) any other amount that may be added to the tax roll under an enactment.

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order

- 646(1)** If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- (2)** A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.
- (3)** If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Permit

- 683** Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for appeal

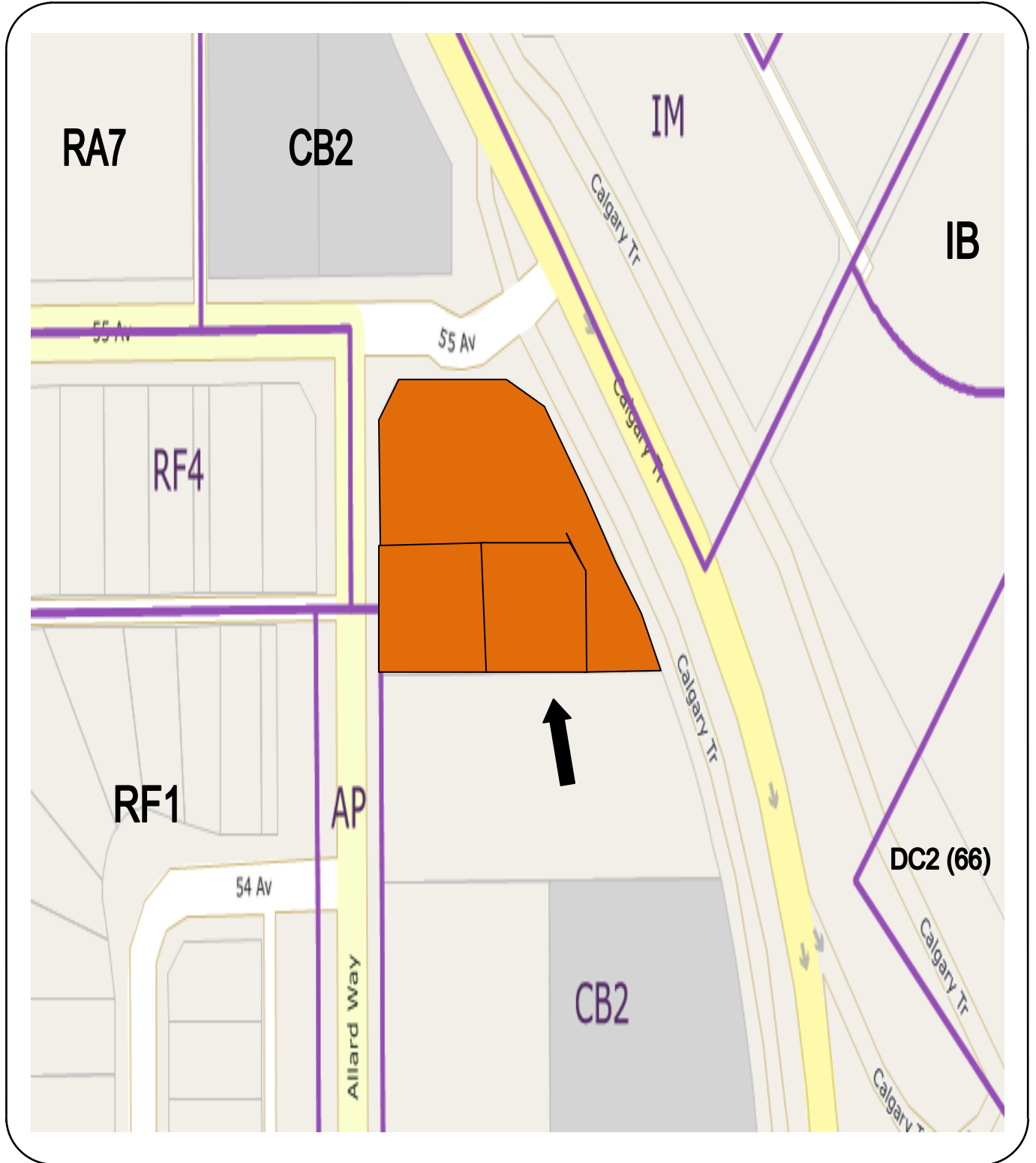
- 685(1)** If a development authority
- (a) fails or refuses to issue a development permit to a person,
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under section 645,
- the person applying for the permit or affected by the order under section 645 may appeal to 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).
- (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) is made by a council, there is no appeal to the subdivision and development appeal board, or
 - (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.

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) within 21 days after the date on which the decision is made under section 642, or
 - (A) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
 - (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) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

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.
- (2)** The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3)** The subdivision and development appeal board must give at least 5 days notice in writing of the hearing
 - (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4)** The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
 - (a) the application for the development permit, the decision and the notice of appeal, or
 - (b) the order under section 645.
- (4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-048

