



**EDMONTON  
TRIBUNALS**

*Subdivision &  
Development  
Appeal Board*

*10019 - 103 Avenue NW  
Edmonton, AB T5J 0G9  
P: 780-496-6079 F: 780-577-  
3537  
[sdab@edmonton.ca](mailto:sdab@edmonton.ca)  
[edmontonsdab.ca](http://edmontonsdab.ca)*

Date: September 15, 2016  
Project Number: 224640754-001  
File Number: SDAB-D-16-209

**Notice of Decision**

- [1] On August 31, 2016, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **August 9, 2016**. The appeal concerned the decision of the Development Authority, issued on August 9, 2016, to refuse the following development:

**To construct an Accessory Building (rear detached Garage, 9.14 metres by 22.25 metres) and to demolish an existing Accessory building (Barn, 3.67 metres by 7.36 metres)**

- [2] The subject property is on Plan 2305RS Lot A, located at 20521 - 17 Street NE, within the AG Agricultural Zone. The Horse Hills Area Structure Plan applies to the subject property.

- [3] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
- The Development Officer’s written submissions; and
- The Appellant’s written submissions.

- [4] The following exhibits were presented during the hearing and form part of the record:

- Exhibit A – Pictures
- Exhibit B – Google Aerial Map

**Preliminary Matters**

- [5] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[7] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

### **Summary of Hearing**

#### *i) Position of the Appellant, Bryan Romansky*

[8] The Appellant is an Urban Planner and has been retained to act on behalf of the landowner.

[9] The subject property is located on 17 Street NE. There is an existing house and double car garage located on the property. The proposed Accessory building is a five car garage to be located behind the existing garage.

[10] The Appellant submitted several pictures, stamped Exhibit A. The pictures show the barn that is being demolished for the new garage and the existing double car garage. The pictures also show the view to the west (17 Street NE) with the access into the property surrounded by vegetation, the view to the north, and the view towards the south, including vegetation along the south boundary. The pictures also show the attached garage to the house is now part of the living space and is being used as a personal gym. A farm is located on the west side of 17 Street NE.

[11] The Appellant canvassed property owners within 60 metres of the site, which included four owners. There is one house directly adjacent to the subject site. The proposed Accessory building itself is not an issue for this neighbour. However, there are a few issues between the neighbours, specifically the surface of 17 Street NE being eroded by the neighbours and noise issues.

[12] The Appellant addressed the three reasons of refusal stated by the Development Officer.

[13] There are no variances required for this application. The Appellant did not agree with the Development Officer's discretion to refuse the application. Pursuant to Section 610.3(8) and Section 50.1(3) of the *Edmonton Zoning Bylaw*, because a Single Detached House is a Discretionary Use in the AG Agricultural Zone, the proposed Accessory building is also considered a Discretionary Use.

[14] Section 610.1 states the General Purpose of the AG Agricultural Zone is to conserve agricultural and rural land use activities. The Appellant argued that the site is too small for agriculture use and is used as a residential property. No farming takes place in the location where the proposed Accessory building will be located. The proposed Accessory building supports rural land use activities as per the General Purpose. This type of property attracts individuals with a lifestyle that requires a large property and will accommodate the storage of three cars, two Harley motorbikes, ATVs, a 20 foot boat and all the equipment required to maintain a rural property, such as an oversized lawnmower. Thus, in the Appellant's opinion, the proposed development meets the General Purpose

of the AG Agricultural Zone. The *Edmonton Zoning Bylaw* does not state that if a building is not a farm building, it is not allowed. The proposed use is listed as a “Single Detached House” not a “Single Detached House used for a farming purpose”.

- [15] The proposed Accessory building meets the definition of Accessory set out in Section 6.1(2) of the *Edmonton Zoning Bylaw*. It is a “building” that is “naturally or normally incidental, subordinate, and devoted to the principal Use or building” and is “located on the same lot or Site”. Nowhere in the definition is it mentioned that size defines subordination to the principal building. There are zones that set out the maximum allowable size of an Accessory building. However, the AG Agricultural Zone does not limit size. Thus, the wishes of Council should be respected.
- [16] The Appellant addressed the Development Officer’s report, specifically point 3, Relevant Background. He has been working with his client for four months. Originally, it was his client’s intention to use the site commercially and he hired the Appellant to determine if this was possible. The Appellant determined the site could not support re-designation as the current Horse Hills Area Structure Plan speaks to residential use. The client abandoned the idea. He wants to retain the smaller garage for his boat and to maintain his bikes. In the Appellant’s opinion, that background should not be relevant to the decision today. The application should not be judged by future owners’ potential uses of the property.
- [17] Upon questioning from the Board, the Appellant was not opposed to the imposition of conditions by the Board to restrict the use of the structure to personal storage or repair.
- [18] The Appellant submitted Exhibit B, a Google aerial map, to illustrate that there are numerous Accessory buildings located on the immediately adjacent property to the south and that both properties are surrounded by a significant amount of mature vegetation. Therefore, the proposed use is reasonably compatible with surrounding development.
- [19] The Board asked the Appellant whether the proposed development was compatible with the Area Structure Plan. The Appellant stated the Area Structure Plan speaks to future re-development of residential sites. However, existing uses can be used in perpetuity as long as new development is consistent with the Area Structure Plan. This is not a “new” development but only Accessory to what already exists. This is a very large site and what is being proposed is consistent with country residential living. These uses should be considered temporary (albeit temporary could be 20 years). When it comes time for redevelopment, these buildings will be torn down. There is even a possibility that an interchange will be built on the site.
- [20] Upon questioning from the Board, the Appellant confirmed that the existing garage has two double doors and is approximately nine metres by nine metres in size.
- [21] Upon questioning from the Board, the Appellant was not exactly sure of the size of proposed Garage doors but is amenable to a condition limiting their size to address any concerns regarding the storage of commercial vehicles.

*ii) Position of the Development Officer, Jordan McArthur*

- [22] The Development Officer reviewed his report.
- [23] An inspection was conducted in 2013 that found large hauling trucks on the property. A follow-up inspection in 2016 found there were no concerns. It was noted that there were several recreational vehicles on the property.
- [24] The site is zoned AG Agricultural Zone and is subject to the Horse Hills Area Structure Plan. Pursuant to Section 610.3(8) and section 50.1(3) of the Edmonton Zoning Bylaw, because a Single Detached House is a Discretionary Use in the AG Agricultural Zone, the proposed Accessory building is also considered a Discretionary Use.
- [25] The Development Officer had two concerns, the scale and design of the building. It is not common for a Single Detached House to have an Accessory building with five doors. The proposed development is larger than the Single Detached House and no longer appears subordinate. The Development Officer conceded there may not be a big impact on surrounding properties because the proposed development meets all the regulations. However, he was concerned that future owners may potentially use the garage commercially. He wants to prevent that use from occurring and if the Board approves it, asked them to attach a condition limiting the development to personal use.
- [26] The Development Officer stated that the Horse Hills Area Structure Plan has designated this area for future residential uses. The existing uses can remain but new development is not supported.
- [27] Upon questioning from the Board, the Development Officer stated that the proposed structure does not conserve land and therefore does not comply with the General Purpose of the AG Agricultural Zone.
- [28] The Development Officer stated that even if the five doors on the proposed garage complied with the size requirements for a residential use, the garage could still be used for some commercial businesses.
- [29] Upon questioning from the Board, the Development Officer confirmed that the owner did obtain a development permit for the existing two-car garage.
- [30] Upon questioning from the Board regarding the definition of Accessory under the *Edmonton Zoning Bylaw*, the Development Officer stated that the definition is rather vague and conceded it does not limit the size of an accessory building. He exercised his discretion to refuse the development permit application.
- [31] Upon questioning from the Board, the Development Officer conceded that the most immediate neighbour has several Accessory buildings on site, so the proposed development could be consistent with surrounding properties.

[32] Given the history of the site, the Development Officer was in favour of the Board imposing conditions on the use of the structure and size of doors if the proposed development was approved. Regarding use, he referred the Board to the suggested condition in his written submission or directed the Board to the definition of Automotive and Equipment Repair Shops found in Section 7.4(4) of the *Edmonton Zoning Bylaw*. He was less comfortable specifying the size of the doors without first consulting a Safety Codes Officer.

[33] The Development Officer stated the 30-foot depth of the proposed garage is somewhat larger than what is typically found on a residential property, but it would not be out of line given the number of recreational vehicles the owner has and would be consistent with rural living.

*iii) Rebuttal of the Appellant, Bryan Romansky*

[34] The Appellant submitted the Horse Hills Area Structure Plan which is trying to avoid fragmentation of land.

[35] The Appellant stated the largest residential garage package available is 34 feet by 34 feet in size. Infill garage packages are typically 20 feet by 24 feet in size.

[36] The Appellant reiterated that he is amenable to the conditions suggested by the Board.

[37] The Appellant believes his client works with a water company.

**Decision**

[38] The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to the following CONDITIONS:

- a) The Accessory building shall not be used for commercial purposes, including but not limited to, repair or storage of vehicles other than those owned by the residents of the principal dwelling.
- b) The overhead vehicle doors on the Accessory building are to be a standard size typical of residential use.

**Reasons for Decision**

[39] Single Detached Housing is a Discretionary Use in the AG Agricultural Zone. Therefore, an Accessory building is also a Discretionary Use in this Zone.

[40] The Development Officer refused the Development Permit on the grounds that the proposed structure did not conserve agricultural or rural land use activities and therefore did not meet the General Purpose of the AG Agricultural Zone. The Board accepts the

evidence submitted that this is a relatively small site and is not currently used for agricultural purposes. Further, the proposed development will be constructed where a barn is currently located. The Board finds that the General Purpose of the Agricultural Zone will not be compromised by allowing the development based on the evidence provided that agricultural land will not be lost because of the location of the proposed development and because it is consistent with rural land use activities.

- [41] The second reason for refusal was that the proposed development did not meet the definition of Accessory in the *Edmonton Zoning Bylaw* because the building was not “naturally or normally incidental, subordinate and devoted to the principal Use or building”. It was the opinion of the Development Officer that, because the proposed Accessory building would be significantly larger than the principal building, it would not be incidental or subordinate.
- [42] The Board notes that the definition does not restrict the size of an Accessory structure in relation to the principal structure. The Board also notes in the AG Agricultural Zone there are no restrictions with respect to maximum Site Coverage for accessory buildings as there are in other residential zones. On sites such as this, it is not unusual for individuals to have equipment such as large lawn mowers, vehicles, boats, ATVs and other recreational vehicles typical of country residential living along with large accessory buildings to store this equipment. The Board accepts the Appellant’s evidence that the owner has a number of vehicles, boats, and other recreational vehicles typical of country residential living that require indoor storage. In this context, the Board finds that this structure is Accessory to the principal building notwithstanding the fact that it is larger than the principal building.
- [43] The Board finds that this Accessory building will not have any significant impact on neighbouring parcels of land. The Site is surrounded primarily by agricultural land with some nearby dwellings located south of the subject site. The neighbouring property to the south is similar to the subject Site. There is significant tree cover located between the proposed development and the immediate neighbour to the south which will provide some screening and a buffer. Variances were not required, which is also an indication that there will be very little impact as a result of this development.
- [44] The Board is satisfied that the conditions imposed, which were accepted by both the Appellant and Development Officer, will mitigate any potential adverse effect arising from the use of the proposed development.

[45] With the conditions imposed, the Board is of the opinion that the proposed development is reasonably compatible with surrounding development and will not have a significant impact on the neighbouring parcels of land or on the neighbourhood.

Mr. M. Young, Presiding Officer  
Subdivision and Development Appeal Board

Board members in attendance: Ms. K. Cherniawsky, Mr. J. Wall, Mr. M. Jummun, Ms. D. Kronewitt Martin

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5<sup>th</sup> Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a 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.*





**EDMONTON  
TRIBUNALS**

*Subdivision &  
Development  
Appeal Board*

**10019 - 103 Avenue NW  
Edmonton, AB T5J 0G9  
P: 780-496-6079 F: 780-577-  
3537  
[sdab@edmonton.ca](mailto:sdab@edmonton.ca)  
[edmontonsdab.ca](http://edmontonsdab.ca)**

Date: September 15, 2016  
Project Numbers: 221847076-  
001/221845073-001  
File Numbers: SDAB-D-16-210/211

**Notice of Decision**

- [1] On August 31, 2016, the Subdivision and Development Appeal Board (the “Board”) heard two appeals that were filed on **August 8, 2016**. The appeals concerned the decision of the Development Authority, issued on July 21, 2016, to approve the following developments:

**To construct a Single Detached House with a front veranda, fireplace, rear uncovered deck (3.05 metres by 5.79 metres) and Basement development (NOT to be used as an additional Dwelling).**

- [2] The Sites abut one another. One subject property is on Plan 1621475 Blk 25 Lot 38, located at 10940 - 68 Avenue NW, within the RF1 Single Detached Residential Zone. The other subject property is on Plan 1621475 Blk 25 Lot 37, located at 10942 - 68 Avenue NW, within the RF1 Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to both subject properties. Both developments require the same variance to Front Setback.

- [3] The following documents were received prior to the hearing and form part of the record:

- Copies of the Development Permit applications with attachments, proposed plans, and the approved Development Permits; and
- The Development Officer’s written submissions

- [4] The following exhibit was presented during the hearing and form part of the record:

- Exhibit A – Copy of community consultation letter submitted by the Respondent

**Preliminary Matters**

- [5] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted. File number SDAB-D-16-210 and file number SDAB-D-16-211 would be heard concurrently.
- [7] The appeals were filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

### **Summary of Hearing**

*i) Position of the Appellant, W. Kangas*

- [8] The Appellant stated there was an issue with one of the conditions attached to the approved Development Permits. The condition states that “due to the roll face curb construction at this property, there are no requirements for a separate curb crossing permit.” The Appellant noted the properties in question have straight curbs. He also would prefer all construction deliveries from the back alley rather than 68 Avenue. The Presiding Officer clarified that the Board has no jurisdiction over those issues.
- [9] The Appellant referred to the Front Setback requirements in the Mature Neighbourhood Overlay and argued that there is no need to calculate an average Front Setback of all properties on the block because both Sites have abutting buildings with appropriate Setbacks. The average does not reflect the reality of the situation. There is no building that has a Front Setback the same as calculated for the average Setback. The Appellant argued that the measure of central tendencies should be used to calculate the median Setback, meaning there are just as many larger Setbacks as smaller Setbacks. The calculated median is the existing Setback of one of the existing house on one of the Sites, which is 7.93 metres and that value should be the Setback of the new building. This value complies with the requirement to use the Setbacks of abutting properties. Lastly, the average should not include any houses with a different zoning. The average in this case includes three houses with a RF5 Zoning. For the proposed development at 10942 – 68 Avenue, the Setback should be 6.46 metres, which is within 1.5 metres of the existing Setback to the abutting Site to the west of 7.96 metres. If the proposed Setbacks are implemented, it would be contrary to the existing housing stock of the whole Park Allen neighbourhood and would destroy the streetscape.
- [10] The Appellant argued that the plans were confusing in terms of the face of the building and specifically what the dimensions of a wing wall are. If it protrudes, it should be included in the Front Setback calculation.
- [11] The Appellant stated that the General Purpose of the Mature Neighbourhood Overlay in Section 814.1 of the *Edmonton Zoning Bylaw* provides that new construction should fit in with the existing housing stock. The proposed roofline of the development at 10940 is not in character, but the one at 10942 perfectly fits in.

- [12] The Appellant argued the stated reason for the variance is to maximize the private amenity space for occupants. However, this is being done at the expense of the neighbours.
- [13] The Appellant disagreed that a reason to justify allowing the variance is that it is the only variance required. This seems to indicate the philosophy is that one variance is a “freebie”. There should be no need for any variance.
- [14] The Appellant disagreed with the Development Officer’s reason to allow the variance because the lot size causes an undue hardship. The Appellant argued those lots have been there since the 1960s. There are plenty of existing lots that allow for a house of this size. If the house is too big for this lot, then a smaller house should be built.
- [15] The Appellant is concerned that a variance may be required for the maximum allowable total Site Coverage. Using an older Plot Plan, he calculated a total Site Coverage of 42.057 percent. He does not understand how a completely attached deck that has no support other than attachment to the house would not be included in the Site Coverage calculation. Including the proposed deck amounts to a Total Site Coverage of over 49 percent. He believed there were a few existing Plot Plans and he was not able to determine the true size of the lot. Upon questioning from the Board, the Appellant conceded that the slight excess he calculated probably would have a minimal impact.
- [16] The Appellant stated there is plenty of room on the lot to accommodate the size of the proposed dwelling with appropriate setbacks, albeit the decks may have to be trimmed.
- [17] The Appellant felt the proposed development would adversely affect the value of his property.
- [18] Upon questioning from the Board, the Appellant felt that the existing Front Setback at 10928-68 Avenue NW of 7.63 metres was a mistake. There was no need to make another mistake with the proposed developments and there was an opportunity to correct the error now. Also the Front Setback at 10920-68 Avenue NW of 5.8 metres is situated further away from the subject properties and is located closer to lots that have Front Setbacks of 6.0 metres. That property would not look as out of place as the proposed developments.

*ii) Position of the Development Officer, Brandon Langille*

- [19] Mr. Langille indicated that he was appearing on behalf of the Development Officer who made the decision.
- [20] The most recent Plot Plan was used to evaluate these developments. In terms of the variance required to maximum Site Coverage, administration rounds down, so the Site Coverage of 28.03 percent for the principal building was rounded down to 28 percent.
- [21] The Development Officer stated both lots have a proposed Front Setback of 5.7 metres, which is 1.5 metres less than the blockface average and complies with the Front Setback requirements in the Mature Neighbourhood Overlay. The Front Setbacks on the two abutting lots are 8.89 metres and 7.96 metres, meaning the average is 8.43 metres. To

comply with the MNO, a variance of 1.23 metres for both developments is required. The Development Officer did agree with the Board that the Development Officer who made the decision worded it slightly different than he would have, but he stressed that the variance is still the same.

- [22] The Development Officer stated these lots are shallower in depth than typical RF1 lots. If the Front Setback is increased, the developments would require Rear Setback variances.
- [23] The Development Officer stated Section 44 of the *Edmonton Zoning Bylaw* provides an allowance for projection and the wing wall projection probably falls within that allowance.

*iii) Position of C. Wong on behalf of the Respondent, We Home*

- [24] The Respondent accepted the numbers provided by the surveyor in the Plot Plan.
- [25] The Respondent undertook community consultation with individuals within 60 metres of the proposed developments. He made two attempts, going door-to-door, to contact the neighbours. No objections were received and several individuals indicated they had no concerns, including the two immediate neighbours. He submitted Exhibit A, which was the documentation he received from the City about conducting the consultation, explaining the variance. One individual requested copies of documents, which he provided.
- [26] The Respondent believed the Appellant's own property on the other side of the street had a Front Setback of 10.97 metres and his next door neighbour had a Front Setback of 4.88 metres, but he acknowledged that he did not use a surveyor.
- [27] The Respondent stated there has been two redevelopments on the Appellant's side of the street. One property has been redeveloped with a Front Setback of 8.84 metres and another with a Front Setback of 7.62 metres. These new developments are two storey houses with different roof lines, and provide an updated look to the neighbourhood.
- [28] The Respondent stated new developments add value to other properties. He agreed with the Development Officer that, if the proposed developments complied with the Front Setback requirement in the MNO, they would require Rear Setback variances. He agreed with the Development Officer that the properties meet the hardship test because of the size of the lots.

*iv) Rebuttal of the Appellant*

- [29] The Appellant questioned the validity of the community consultation as there is a gap between owner and tenants. He never saw plans until his appeals were filed. Further it is very difficult to translate a surveyor document to what an actual variance looks like. The Appellant went through the responses received to the community consultation.

Approximately 90 percent of first responses were that no one was home. He does not know the details of the presentation made. Even if the numbers were presented as written on paper, very few individuals can actually determine the distance involved between 1.2 metres versus 3.8 metres. The Respondent attended each property twice and often people were not home, thus the Appellant had reservations with the length of time between visits and whether there was actually a requirement to meet in person. The consultation process needs to be extensive and repetitive.

### **Decision**

[30] The appeals are DENIED and the decisions of the Development Authority with conditions are CONFIRMED. The developments are GRANTED as applied for to the Development Authority.

### **Reasons for Decision**

[31] Section 110.2(4) states Single Detached Housing is a Permitted Use in the RF1 Single Detached Residential Zone.

[32] These appeals deal with identical variances required to the Front Setback requirements pursuant to the Mature Neighbourhood Overlay. Section 814.3(1) states, in part, that the Front Setback shall be a minimum of 3.0 metres and shall be consistent within 1.5 metres of the Front Setback on Abutting Lots and with the general context of the blockface. Both properties meet the requirement to be within 1.5 metres of the blockface average. However, with respect to Abutting Lots, each of the proposed developments requires a variance of 1.23 meters.

[33] Although the Appellant argued other variances were required with respect to maximum total Site Coverage and a wing wall projection, the Board is satisfied that a variance in the minimum required Front Setback is the only variance required.

[34] Community consultation is mandated by the Mature Neighbourhood Overlay and is a condition precedent to the issuance of a development permit. The Board heard evidence that the community consultation process was undertaken prior to the issuance of the Development Permits and is satisfied that those requirements have been substantially complied with.

[35] The Board notes that all of the people who provided feedback as a result of the community consultation process did not have concerns with respect to the variances, including the two immediate neighbours. No one indicated opposition to the variances except the Appellant.

[36] The Board heard evidence that the neighbourhood is in transition and a number of newer developments are changing the character of the neighbourhood. The area is comprised of older homes from the 1950s together with new developments with second storeys and varying setbacks.

- [37] The Board notes that the proposed developments comply with the MNO regulation to be within 1.5 metres of the blockface average Front Setback. Although the developments do not comply with the regulation to be within 1.5 metres of the Front Setbacks on abutting properties, both of the abutting neighbours have indicated that they have no concerns about the required variances. The proposed developments comply with all other development regulations, including Total Site Coverage, Amenity Space, Rear Setback, Side Setbacks and parking.
- [38] The Board is of the opinion that the variance required will not have any significant adverse impact because the required variance will not be out of character in this neighbourhood because of other Front Setbacks that are a similar size.
- [39] Given the above, the Board finds that these developments, with the variance required, will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Mr. M. Young, Presiding Officer  
Subdivision and Development Appeal Board

Board members in attendance: Ms. K. Cherniawsky, Mr. J. Wall, Mr. M. Jummun, Ms. D. Kronewitt Martin

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5<sup>th</sup> Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA. 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a 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.*