

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**August 5, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-21-123

To change the use of a Restaurant to a Liquor Store, and construct interior alterations

10505 - 81 Avenue NW  
Project No.: 397195493-002

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II 10:30 A.M. SDAB-D-21-124

To change the Use from a General Retail Store to a Cannabis Retail Sales store and to construct interior alterations

10324 - 103 Street NW  
Project No.: 394299034-002

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III 1:30 P.M. SDAB-D-21-125

To construct exterior alterations and a rear addition to a Single Detached House (Basement door addition, Basement window changes, and unheated room addition, 10.97 metres by 5.03 metres), existing without permits

1239 - Hollands Close NW  
Project No.: 388182959-002

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

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 397195493-002

APPLICATION TO: To change the use of a Restaurant to a Liquor Store, and construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 30, 2021

DATE OF APPEAL: July 7, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10505 - 81 Avenue NW

LEGAL DESCRIPTION: Plan 9220734 Blk 48 Lot 1A

ZONE: (CB2) General Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

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***Grounds for Appeal***

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

We are solicitors for Corduroy Properties Inc. Our client’s application for a development permit to develop a liquor store at the above captioned address was refused on June 30, 2021. We hereby appeal the said refusal on the grounds that:

- Liquor stores are a discretionary use in the CB2 General Business Zone;
- Any variances to the Zoning Bylaw that are required for the proposed development would materially affect the use, enjoyment, and value of

neighbouring properties, or unduly interfere with the amenities of the neighbourhood;

- The proposed development is appropriate at the subject location; and

Such further and other reasons as may be presented at the hearing of the within appeal.

<b><i>General Matters</i></b>
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**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 the decision in accordance with subsection (2.1).

**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 board hearing the appeal referred to in subsection (1)

...

- (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 (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*:**

Under section 340.3(11), a **Liquor Store** is a **Discretionary Use** in the **(CB2) General Business Zone**.

Under section 7.4(30) **Liquor Stores** means “development used for the retail sale of any and all types of alcoholic beverages to the public for off-site consumption. This Use may include retail sales of related products such as soft drinks and snack foods.”

Section 340.1 states that the **General Purpose** of the **(CB2) General Business Zone** is:

to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways. This zone also accommodates limited Residential-related uses

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

***Section 85 - Liquor Stores***

1. **Any Liquor Store shall not be located less than 500 m from any other Liquor Store.**
2. Notwithstanding subsection 85(1), a Liquor Store may be located less than 500 m from any other Liquor Store if located:
  - a. outside the boundary shown in Appendix 1 to Section 85, provided:
    - i. the Liquor Stores are located on separate Sites, and

- ii. at least one Liquor Store is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3.
3. For the purposes of Section 85, the 500 m separation distance shall be measured from the closest point of the Liquor Store to the closest point of any other approved Liquor Store.
4. Any Site containing a Liquor Store shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the Liquor Store. Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, are exempt from this restriction. For the purposes of this subsection only:
  - a. the 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
  - b. the term "community or recreation activities" is limited to Community Recreation Services, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits, or Religious Assembly;
  - c. the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools; and
  - d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 85(4).
6. **Notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9).**
7. When the Development Officer receives an application for a Development Permit that is for the purpose of accommodating the temporary relocation of an approved Liquor Store within 500 m of its original location, a variance to subsection 85(1) or subsection 85(2) may be granted where:
  - a. the application for the Development Permit is for a Temporary Development, in order to limit the introduction of an additional Liquor Store within 500 m of the original approved Development Permit;

- b. the temporary location for any Liquor Store is not within 500 m of any legally conforming Liquor Store; and
    - c. the application for a Development Permit will not result in a total Floor Area for a Liquor Store that is 10.0% greater than the Floor Area of the existing approved Liquor Store, to a maximum increase of 50 m<sup>2</sup>.
8. When a Development Officer receives an application for a Development Permit that is for the purpose of accommodating the reversion of an existing approved Liquor Store back to its original location on a Site, a variance of subsection 85(1) or subsection 85(2) may only be granted where the application for the reversion is submitted to the Development Officer within 5 years of the date of vacating the original location and the application will not result in a total Floor Area that is greater than the original approved Liquor Store.
9. The issuance of a Development Permit which contains a variance pursuant to subsection 85(7) shall be issued as a Temporary Development for a duration of up to 5 years or less, to be determined by the Development Officer.
10. The Development Officer may require lighting, signage or screening measures that ensure the proposed development is compatible with adjacent or nearby Residential Uses or Commercial Uses.
11. Liquor Stores shall include the following to allow for natural surveillance to promote safe surroundings:
  - a. Customer access is oriented to:
    - i. a public or internal roadway, other than a Lane;
    - ii. a shopping centre parking lot in front of the store; or
    - iii. a mall access that allows visibility from the interior of the mall into the store.
  - b. Premises located at ground level shall include:
    - i. Ample transparency to maintain sight lines into and out of the premises. To ensure transparency and sight lines are maintained:
      1. Not more than 10% of the windows may be covered by Signs, the remainder shall be clear, untinted, and free from obstruction.
    - ii. Outdoor lighting is required to provide a well-lit environment for pedestrians entering and exiting the premises and to illuminate the property. The Development Officer shall require the applicant to provide a plan showing the location and details of perimeter lighting to ensure adequate lighting.



- iii. Landscaping shall be located such that it does not obstruct sight lines into the premises.

**Development Officer's Determination**

**1) Liquor Stores shall be located at least 500m from other approved Liquor Stores (ref.: SS. 85.1-3):**

**Required Setback: 500m**

**Proposed Setback:**

**200m from Liquor Store at 10433-80 Avenue (DP 386330742-002)  
443m from Liquor Store at 7808 Gateway Boulevard (DP 581823-005)**

**Deficient by: 57m-300m**

**Under Section 85.5 of the Zoning Bylaw, the Development Officer is prohibited from granting the required variance.**


[unedited]

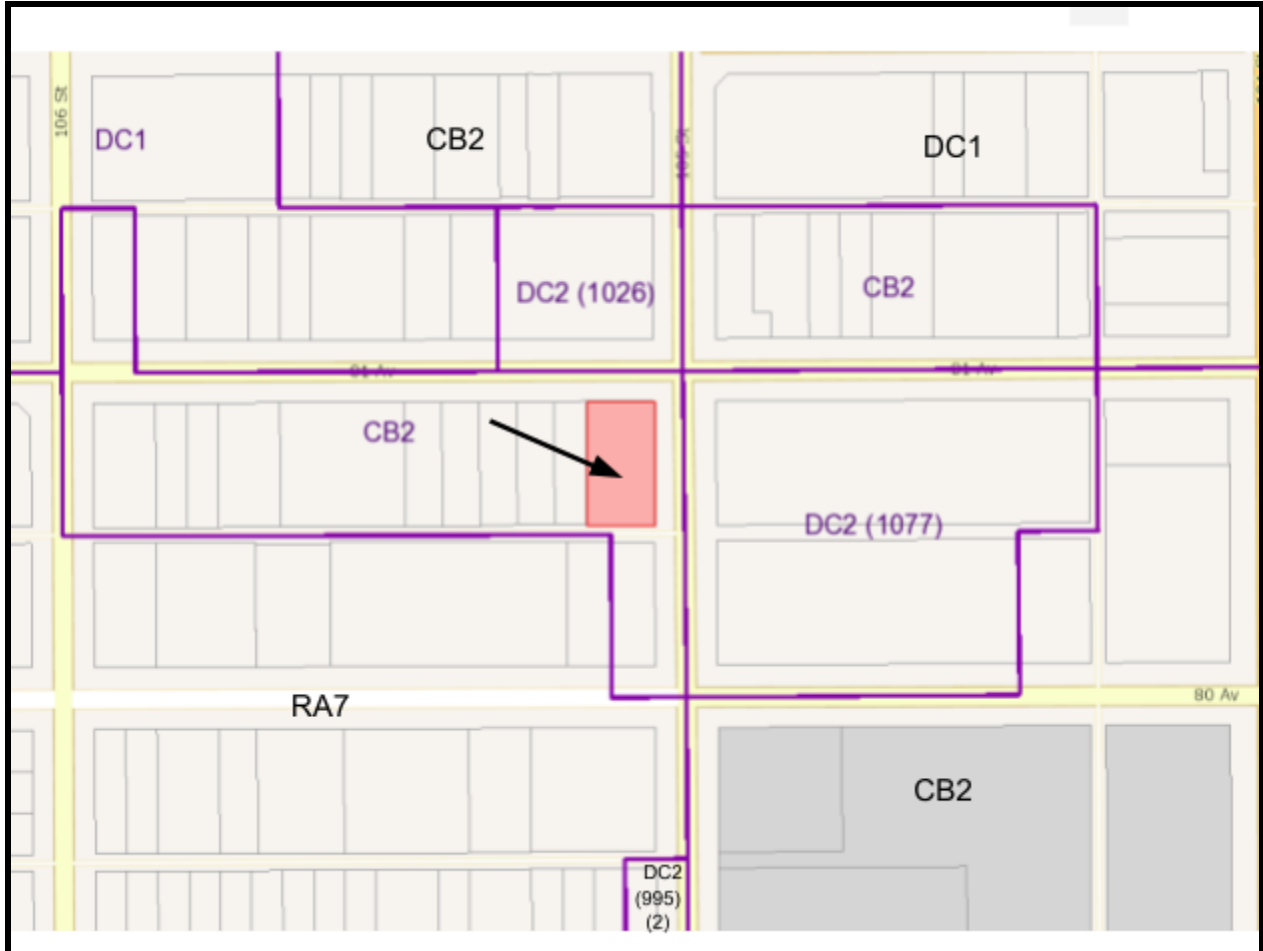
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**Notice to Applicant/Appellant**

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.

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	<h2 style="margin: 0;">Application for Major Development Permit</h2>		Project Number: <b>397195493-002</b> Application Date: MAY 25, 2021 Printed: June 30, 2021 at 12:17 PM Page: 1 of 1																					
This document is a Development Permit Decision for the development application described below.																								
<b>Applicant</b>		<b>Property Address(es) and Legal Description(s)</b> 10505 - 81 AVENUE NW Plan 9220734 Blk 48 Lot 1A																						
		<b>Specific Address(es)</b> Suite: 8020 - 105 STREET NW Entryway: 8020 - 105 STREET NW Building: 10505 - 81 AVENUE NW																						
<b>Scope of Application</b> To change the use of a Restaurant to a Liquor Store, and construct interior alterations.																								
<b>Permit Details</b>																								
Class of Permit: Class B Gross Floor Area (sq. m.): New Sewer Service Required: N Site Area (sq. m.):		Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Ames Area: Main Street Overlay																						
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Jun 30, 2021 <b>Development Authority:</b> WELCH, IMAI <b>Reason for Refusal</b> 1) Liquor Stores shall be located at least 500m from other approved Liquor Stores (ref.: SS. 85.1-3): Required Setback: 500m Proposed Setback: 200m from Liquor Store at 10433-80 Avenue (DP 386330742-002) 443m from Liquor Store at 7808 Gateway Boulevard (DP 581823-005) Deficient by: 57m-300m Under Section 85.5 of the Zoning Bylaw, the Development Officer is prohibited from granting the required variance. <b>Rights of Appeal</b> The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fees</th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$528.00</td> <td style="text-align: right;">\$528.00</td> <td>107353002126001</td> <td>Jun 02, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$528.00</td> <td style="text-align: right; border-top: 1px solid black;">\$528.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fees	Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$528.00	\$528.00	107353002126001	Jun 02, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$528.00	\$528.00		
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<b>THIS IS NOT A PERMIT</b>																								



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

▲  
**N**

File: SDAB-D-21-123

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 394299034-002

APPLICATION TO: Change the Use from a General Retail Store to a Cannabis Retail Sales store and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 30, 2021

DATE OF APPEAL: July 7, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10324 - 103 Street NW

LEGAL DESCRIPTION: Plan 1722545 Blk 2 Lot 7

ZONE: (AED) Arena & Entertainment District 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:

We are solicitors for the owners of the captioned lands. Our client’s application for a development permit for a change of use from General Retail Store to Cannabis Retail Sales at the captioned address was refused on June 30, 2021. We hereby appeal the said refusal on the grounds that:

- Cannabis Retail Sales is a permitted use in the AED – Arena & Entertainment District Zone;

- Any variances to the Zoning Bylaw that are required for the proposed development would not materially affect the use, enjoyment, and value of neighbouring properties, or unduly interfere with the amenities of the neighbourhood;
- The proposed development complies with the regulations under the Gaming, Liquor and Cannabis Act as modified by the Edmonton Zoning Bylaw 12800;
- The proposed development is appropriate at the subject location; and

Such further and other reasons as may be presented at the hearing of the within appeal.

<b><i>General Matters</i></b>
-------------------------------

**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 the decision in accordance with subsection (2.1).

**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 board hearing the appeal referred to in subsection (1)

...

- (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 (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*:**

Under section 910.12(2)(e), **Cannabis Retail Sales** is a **Permitted Use** in the **(AED) Arena & Entertainment District Zone**.

Under section 7.4(9), **Cannabis Retail Sales** means:

development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under section 6.1, **Cannabis** means:

a cannabis plant and anything referred to in subsection (a) of this definition but does not include anything referred to in subsection (b) of this definition:

- a. Cannabis includes:
  - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection (b) of this definition.
  - ii. any substance or mixture of substances that contains or has on it any part of such a plant;

- iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- b. Notwithstanding subsection (a) of this definition, Cannabis does not include:
  - i. a non-viable seed of a cannabis plant;
  - ii. a mature stalk, without any leaf, flower, seed or branch, of such plant;
  - iii. fibre derived from a stalk referred in subsection (b)(ii) of this definition; and
  - iv. the root or any part of the root of such a plant.

Under section 6.1, **Site** means “an area of land consisting of one or more abutting Lots.”

Section 910.12(1) states that the **General Purpose** of the **(AED) Arena & Entertainment District Zone** is:

to provide for a vibrant mixed-Use district that will accommodate a multi-purpose sports and entertainment complex complemented by a variety of entertainment, retail, service, office, institutional and Residential Uses that will strengthen the Downtown Core as a regional destination point. The area will be characterized by an accessible, pedestrian-friendly street environment, innovative signage, iconic architecture and exceptional urban design to create a strong sense of place in the Downtown Core and an exciting new image for Edmonton.

Section 910.1 states that the **General Purpose** of the **Downtown Special Area** is “To designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.”

***Section 70 – Cannabis Retail Sales***

1. **Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:**
  - a. **the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;**



- b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and
- c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)(b) shall be issued as a Class B Discretionary Development.

**2. Any Site containing Cannabis Retail Sales shall not be located less than:**

- a. 200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and
- b. **100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.**

3. For the purposes of subsection 2:

- a. separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
- b. the term “public library” is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.
- c. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
- d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.

**4. Subsection 105(3) of the Gaming, Liquor and Cannabis Regulation, is expressly varied by the following:**

- a. **any Site containing a Cannabis Retail Sales shall not be located less than:**

*Public or private education*

- i. **200 m from a Site being used for public or private education, at the time of the application for the Development Permit for the Cannabis Retail Sales;**

*Provincial health care facility*

- ii. 100 m from a Site being used for a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales; and

*School reserve or municipal and school reserve*

- iii. 100 m from a Site designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales.

***Measurement of Separation Distances***

- b. For the purposes of this subsection, separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures.

***Sites Greater than Two Hectares***

- c. For Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, that do not contain a public library at the time of application for the Development Permit for the Cannabis Retail Sales:
  - i. Subsection 70(2), and 70(4)(a) shall not apply; and
  - ii. the distances referred to in Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation* shall be expressly varied to 0 m.
- d. For the purposes of subsection 70(4)(a)(i), the term "public or private education" means a school as defined in subsection (1)(y)(i) and (1)(y)(ii) of the *School Act (as amended from time to time)*.

5. **Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2), 70(3)(a) or 70(4).**

**Design Requirements**

6. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the Development Officer, including the following requirements:
  - a. customer access to the store is limited to a storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or mall access that allows visibility from the interior of the mall into the store;
  - b. the exterior of all stores shall have ample transparency from the street;
  - c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
  - d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.

**Development Officer's Determination**

**1. Section 70.1 The proposed Cannabis Retail Store does not comply with the minimum setback requirement from another Cannabis Retail Sales Use:**

**Required Setback: 200 m  
Proposed Setback: 69 m  
Deficient by 131 m**

**2. Section 70.2.b The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a Community Recreation Services Use:**

**Required Setback: 100 m  
Proposed Setback: 33 m  
Deficient by 67 m**

**3. Section 70.4.a. The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a Public education Site:**

**Required Setback: 200 m  
Proposed Setback: 198 m  
Deficient by 2 m**

**Required Setback: 200 m  
Proposed Setback: 71 m**

**Deficient by 129 m**

**Under Sections 70.1(b) and 70.5 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.**


[unedited]


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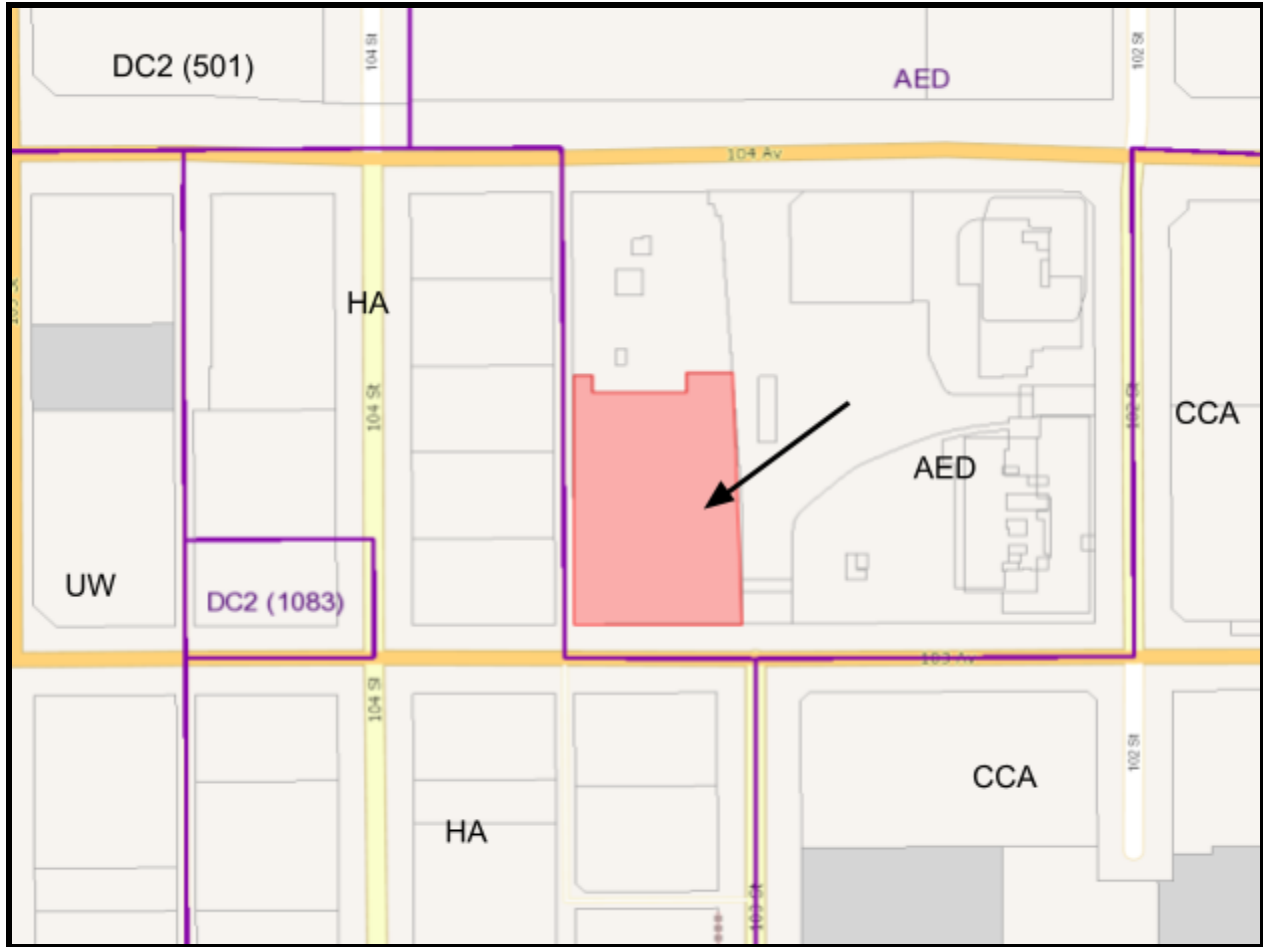
Notice to Applicant/Appellant

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.

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	<p><b>Application for Major Development Permit</b></p>		Project Number: <b>394299034-002</b> Application Date: MAY 03, 2021 Printed: June 30, 2021 at 11:02 AM Page: 1 of 2	
This document is a Development Permit Decision for the development application described below.				
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10324 - 103 STREET NW Plan 1722545 Blk 2 Lot 7  <b>Specific Address(es)</b> Suite: 10328 - 103 STREET NW Entryway: 10328 - 103 STREET NW Building: 10324 - 103 STREET NW			
<b>Scope of Application</b> To change the Use from a General Retail Store to a Cannabis Retail Sales store and to construct interior alterations.				
<b>Permit Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">                     Class of Permit:                      Gross Floor Area (sq.m.):                      New Sewer Service Required:                      Site Area (sq. m.):                 </td> <td style="width: 50%; vertical-align: top;">                     Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings:                      Strat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>			Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Strat. Plan Overlay/Annex Area: (none)
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<b>Development Application Decision</b> Refused <b>Issue Date:</b> Jun 30, 2021 <b>Development Authority:</b> CHOW, STEPHEN  <b>Reason for Refusal</b> <ol style="list-style-type: none"> <li>1. Section 70.1 The proposed Cannabis Retail Store does not comply with the minimum setback requirement from another Cannabis Retail Sales Use:                       Required Setback: 200 m                      Proposed Setback: 69 m                      Deficient by 131 m</li>   <li>2. Section 70.2.2 The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a Community Recreation Services Use:                       Required Setback: 100 m                      Proposed Setback: 33 m                      Deficient by 67 m</li>   <li>3. Section 70.4.1.1 The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a pui:                       Required Setback: 200 m                      Proposed Setback: 198 m                      Deficient by 2 m</li> </ol> <p>Under Sections 70.1(b) and 70.5 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.</p>				
<b>THIS IS NOT A PERMIT</b>				

	<h2>Application for Major Development Permit</h2>	Project Number: <b>394299034-002</b> Application Date: MAY 03, 2021 Printed: June 30, 2021 at 11:02 AM Page: 2 of 2																				
<b>Rights of Appeal</b> The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																						
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**SURROUNDING LAND USE DISTRICTS**

Site Location ←      File: SDAB-D-21-124      ▲  
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-125

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 388182959-002

APPLICATION TO: Construct exterior alterations and a rear addition to a Single Detached House (Basement door addition, Basement window changes, and unheated room addition, 10.97 metres by 5.03 metres), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 14, 2021

DATE OF APPEAL: July 9, 2021

NOTIFICATION PERIOD: June 22, 2021 through July 13, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1239 - Hollands Close NW

LEGAL DESCRIPTION: Plan 0325684 Blk 164 Lot 28

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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



This Development Permit has been approved despite a deviation from the mandated requirements of the Zoning Bylaw 12800. No consultations were first undertaken and addressed with all respective neighboring property owners. A deviation of this nature cannot be permitted or tolerated as it sets the precedence for this type of behavior that, which is a flagrant disregard of lawfully following the requirements of the Zoning Bylaws within the City. It brings Hollands Close into disrepute. As my property is in proximity this will negatively impact on the sale of my property as it will be pointed out.

***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 the decision in accordance with subsection (2.1).

**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 board hearing the appeal referred to in subsection (1)

...

(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 (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*:**

Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot 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 115.1 states that the **General Purpose** of the **(RSL) Residential Small Lot Zone** is “to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.”

***Rear Setback***

Section 115.4(7) states “The minimum Rear Setback shall be 7.5 m, [...]”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.

**Development Officer’s Determination**

**Reduced Rear Setback - The distance from the house to the rear property line (abutting 816 Hollands Landing NW) is 5.6m instead of 7.5m (Section 115.4.7).**


[unedited]


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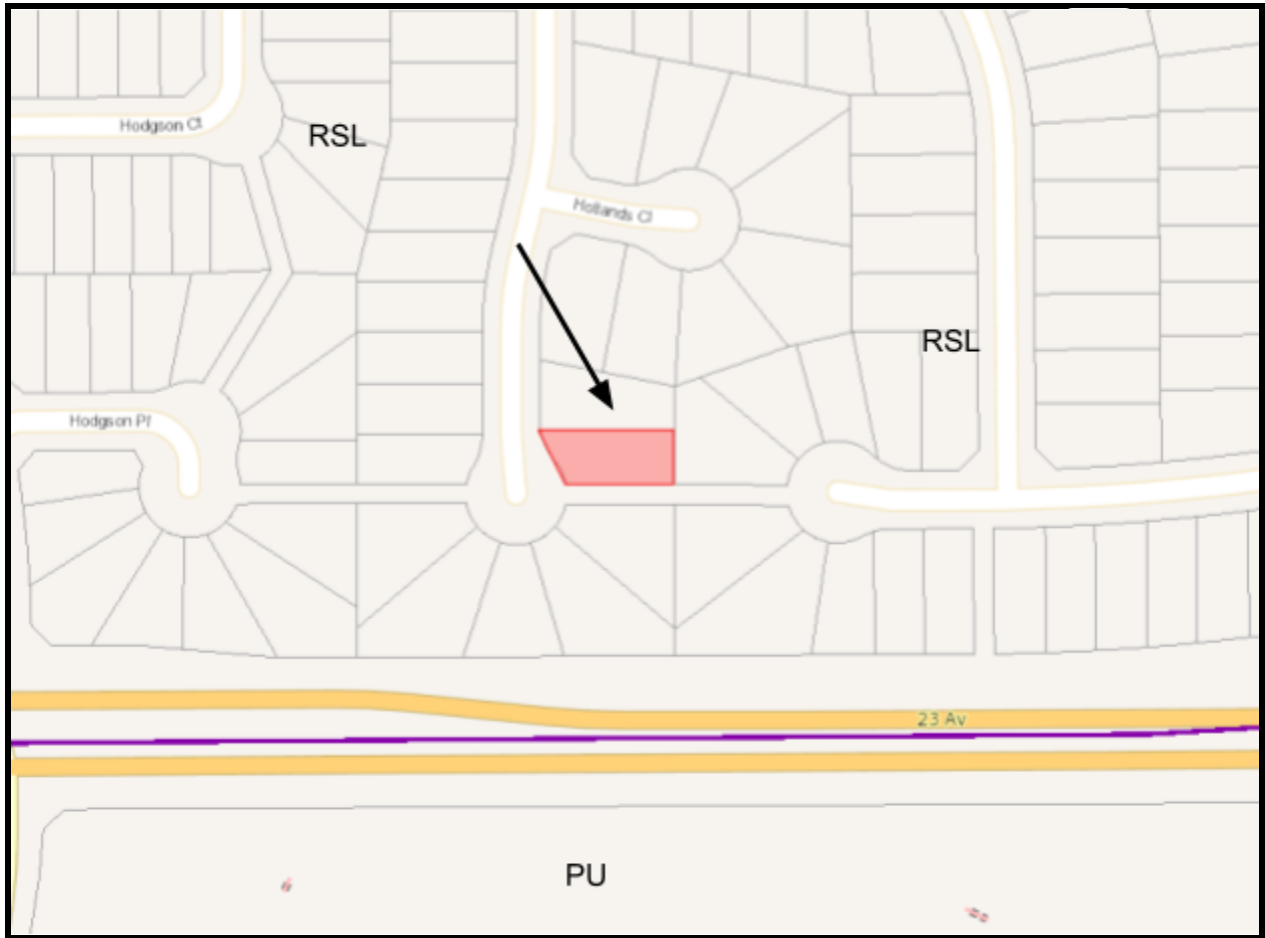
Notice to Applicant/Appellant

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.

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	Project Number: <b>388182959-002</b> Application Date: MAR 16, 2021 Printed: June 14, 2021 at 4:31 PM Page: 1 of 2				
<h2 style="margin: 0;">Addition 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>					
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 1239 - HOLLANDS CLOSE NW Plan 0325684 Blk 164 Lot 28				
<b>Scope of Permit</b> To construct exterior alterations and a rear addition to a Single Detached House (Basement door addition, Basement window changes, and unheated room addition, 10.97m x 5.03m), existing without permits.					
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Stat. Plan Overlay/Annex Area: (none)					
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Jun 14, 2021 <b>Development Authority:</b> ZHOU, ROWLEY <b>Subject to the Following Conditions</b> 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 exterior alterations and a rear addition to a Single Detached House (door changes, window changes, and unheated room addition, 10.97m x 5.03m), existing without permits.  The development shall be constructed in accordance with the stamped and approved drawings.  Immediately upon completion of the addition, the site shall be cleared of all debris.  As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Section 57.3.1).  <b>ADVISEMENTS:</b>  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.  <b>Variances</b> Reduced Rear Setback - The distance from the house to the rear property line (abutting 816 Hollands Landing NW) is 5.6m instead of 7.5m (Section 115.4.7).					

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**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←      **File: SDAB-D-21-125**      ▲  
**N**