

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
December 6, 2018**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-18-203	Change the Use from a Pawn Shop and a Restaurant to a Cannabis Retail Sales and construct interior alterations 10650 - 82 Avenue NW Project No.: 287274750-001
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II	10:30 A.M.	SDAB-D-18-204	Construct exterior alterations to a Single Detached House (Driveway extension, 1.7m x 6.1m) existing without permits 17512 - 55 Avenue NW Project No.: 260203962-004
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III	1:30 P.M.	SDAB-D-18-205	Operate Temporary Storage Use (Gravel Truck Storage) 603 - 67 Avenue NW Project No.: 168694015-002
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NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-18-203

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 287274750-001

APPLICATION TO: Change the Use from a Pawn Shop and a Restaurant to a Cannabis Retail Sales and construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 16, 2018

DATE OF APPEAL: November 5, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10650 - 82 Avenue NW

LEGAL DESCRIPTION: Plan I Blk 65 Lots 13-15

ZONE: (CB2) General Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

The Appellant respectfully appeals the decision of the development officer on the following grounds:

- (a) The proposed development represents an allowable use on the subject lands.
- (b) The provisions of s. 70 of the Edmonton Zoning Bylaw do not limit this Board’s authority to approve the proposed development.

- (c) If the setback in Section 70 of the Edmonton Zoning Bylaw is applicable (which is not acknowledged), then it is appropriate for this Board to vary the setback for the following reasons:
 - (i) the setback is 179 metres, meaning that the variance sought is only 21 metres;
 - (ii) the variance will not negatively impact the amenities of the neighbourhood or the use, value and enjoyment of neighbouring properties.
- (d) Such further and other reasons as may be presented at the hearing of this matter.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

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, [...]

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*:

Under section 340.2(6), **Cannabis Retail Sales** is a **Permitted Use** in the (CB2) General Business 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 7.8(9), **Private Education Services** means:

development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a Home Based Business. This Use includes dormitory and Accessory buildings. This Use does not include Commercial Schools.

Under section 7.8(11), **Public Education Services** means:

development which is publicly supported or subsidized involving public assembly for educational, training or instruction purposes, and includes the administration offices required for the provision of such services on the same Site. This Use includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This Use does not include Private Education Services and Commercial Schools.

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

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.”

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 70 - Cannabis Retail Sales regulations

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 a Cannabis Retail Sales shall not be located less than 200 m from any Site being used for a public library, or for public or private education at the time of the application for the Development Permit for the 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 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 in the form of books, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries; and
 - c. the term "public or private education" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools.**
3. Any Site containing a Cannabis Retail Sales shall not be located less than 100 m from any Site being used for Community Recreation Services Use, a community recreation facility, a provincial health care facility, as public lands, or any Site that is designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales. 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 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
 - c. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
- 4. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2) or 70(3).**
5. 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 store front that is visible from the street other than a Lane, or a shopping centre parking lot, or a 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.
6. The Development Officer shall impose a condition on any Development Permit issued for Cannabis Retail Sales requiring that the development:
- a. shall not commence until authorized by and compliant with superior legislation; and
 - b. must commence within nine (9) months of the date of approval of the Development Permit.
7. For the purposes of Section 70(6), development commences when the Cannabis Retail Sales Use is established or begins operation.

Development Officer’s Determination

The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a public education service (Section 70.2):

Required Setback: 200 m

Proposed Setback: 179 m from Old Scona Academic Public School (Gr. 10 – 12)

Deficient by 21 m

Under Sections 70.1(b) and 70.4 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]


Previous Subdivision and Development Appeal Board Decisions

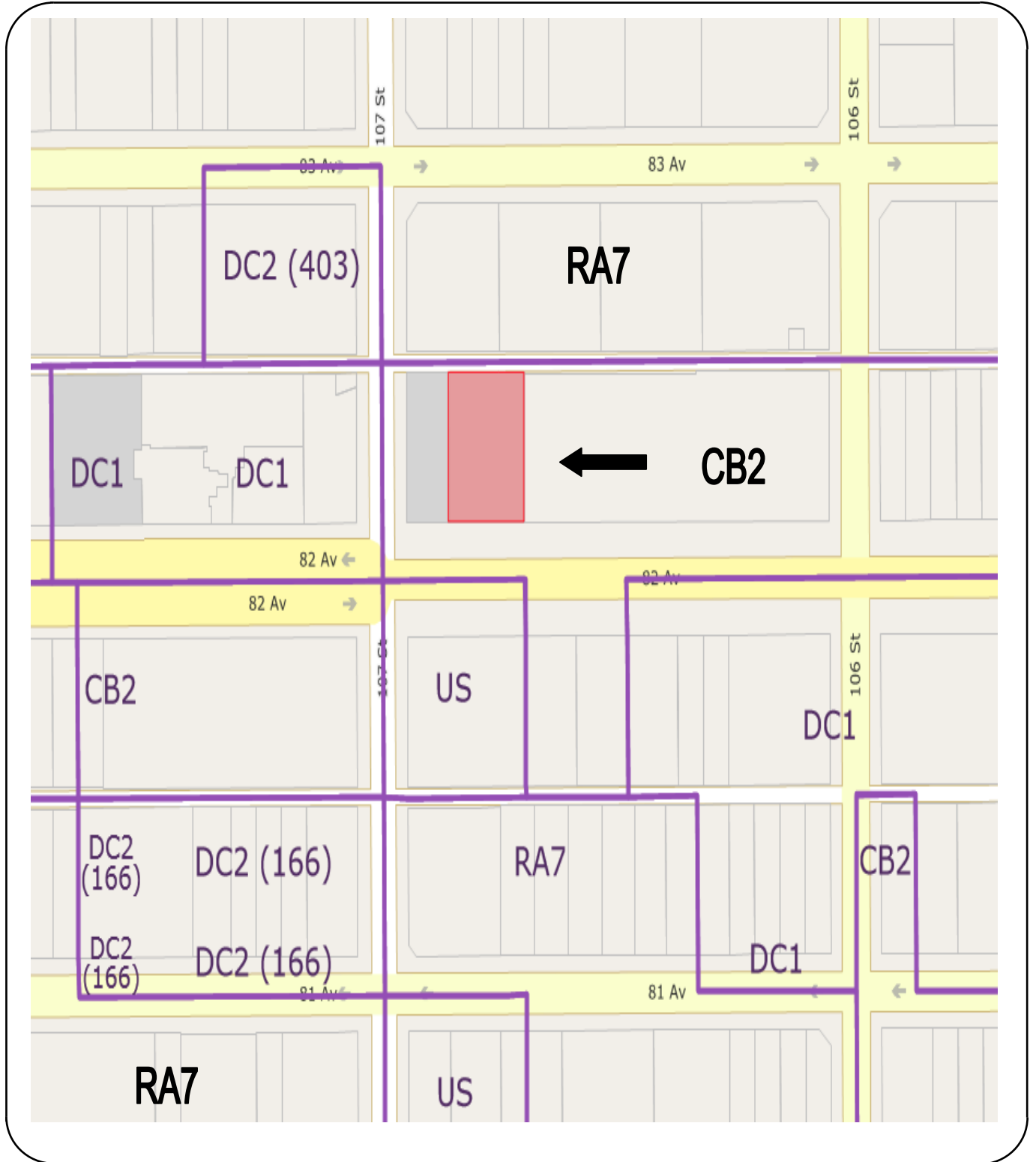
Application Number	Description	Decision
SDAB-D-16-149	To change the use from a General Retail Store to a Pawn Store (Cash Canada Pawn Shop).	August 12, 2016; The appeals are DENIED, and the decision of the Development Authority is CONFIRMED. The development is GRANTED as approved by the Development Authority.

SDAB-D-14-192	To relocate an existing Major Alcohol Sales Use business from 8204-109 Street to 10650-82 Avenue (change the use from a Business Support Services Use that was a Rogers Video to a Major Alcohol Sales Use and to construct interior alterations (Liquor Depot).	August 7, 2014; The appeal is DENIED and the decision of approval by the Development Authority CONFIRMED.
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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.

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: 287274750-001 Application Date: JUL 11, 2018 Printed: November 6, 2018 at 8:44 AM Page: 1 of 1																									
This document is a Development Permit Decision for the development application described below.																											
Applicant	Property Address(es) and Legal Description(s) 10650 - 82 AVENUE NW Plan I Blk 65 Lots 13-15																										
	Specific Address(es) Suite: 10660 - 82 AVENUE NW Entryway: 10660 - 82 AVENUE NW Building: 10650 - 82 AVENUE NW																										
Scope of Application To change the use from a Pawn Shop and a Restaurant to a Cannabis Retail Sales and construct Interior Alterations.																											
Permit Details																											
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 304.4	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)																										
I/We certify that the above noted details are correct. Applicant signature: _____																											
Development Application Decision Refused Issue Date: Oct 16, 2018 Development Authority: Chow, Stephen Reason for Refusal The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a public education service (Section 70.2): Required Setback: 200 m Proposed Setback: 179 m from Old Scona Academic Public School (Gr. 10 – 12) Deficient by 21 m Under Sections 70.1(b) and 70.4 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. Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																											
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$5,600.00</td> <td style="text-align: right;">\$5,600.00</td> <td style="text-align: right;">05176678</td> <td style="text-align: right;">Jul 11, 2018</td> </tr> <tr> <td>Development Application Refund</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></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;">\$5,600.00</td> <td style="text-align: right; border-top: 1px solid black;">\$5,600.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$5,600.00	\$5,600.00	05176678	Jul 11, 2018	Development Application Refund	\$0.00				Total GST Amount:	\$0.00				Totals for Permit:	\$5,600.00	\$5,600.00		
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THIS IS NOT A PERMIT																											



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-203



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-204

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 260203962-004

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension, 1.7m x 6.1m) existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 21, 2018

DATE OF APPEAL: November 22, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17512 - 55 Avenue NW

LEGAL DESCRIPTION: Plan 7823564 Blk 9 Lot 44

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

House address : 17512 55AVENUE NW PLAN 7823564 BLK 9 LOT 44
Background issue: Armaan Homes extended Driveway, 1.7 m x 6.1m without permit initially, we applied the development permit for the extension sidewalk but it refused by law.

Reason for extension sidewalk : Armaan Homes extended the sidewalk along with driveway to reach the city sidewalk. The reason Armaan Homes extended the sidewalk approximately 14 inches wider than original City of Edmonton approved is, because we wanted to allow our guest or people easy access the main door while there are three cars are parking on our driveway.

We analyzed the extension sidewalk on our lot that does not take away the public parking around our neighborhood.

We also talked with our neighbors 17508 55ave and 17516 55ave regarding the extension sidewalk and they fully understand our extension sidewalk that doesn't affect the neighborhood parking at all.

We would highly appreciate if you can approve the permit and allow us to keep the sidewalk as it is.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
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the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

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 - (i) with respect to an application for a development permit,
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Hearing and Decision

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

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

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.2(5) states **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

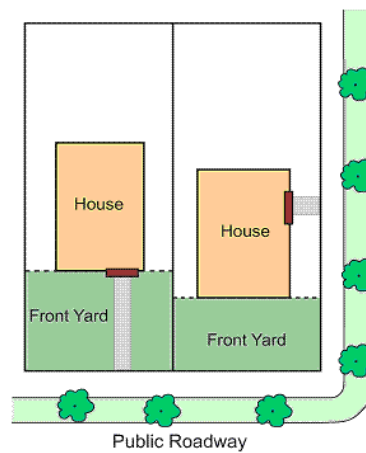
Under section 7.2(8), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

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

Under section 6.1, **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1, **Garage** means “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

Under section 6.1, **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 110.1, the **General Purpose** of **(RF1) Single Detached Residential Zone** is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Driveway Location

Section 54.1.4(a) states that the Front Yard of any ground level Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the Garage or Parking Area.

Development Officer’s Determination

Driveway Location – The Driveway extension does not lead directly from the roadway to a Garage or Parking Area (Section 54.1.4(a)) [unedited]

Driveway width

Section 54.1.4(c) states that the Front Yard of any ground level Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser.

Development Officer’s Determination

Driveway width – The existing Driveway with extension is 10.0 m wide, the maximum allowed Driveway width is 7.4 m. (Section 54.1.4 (c)) [unedited]

Vehicular Parking


Section 54.2.2(e)(i) states that the location of Vehicular Parking Facilities, except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall not be located within a Front Yard in a Residential Zone.

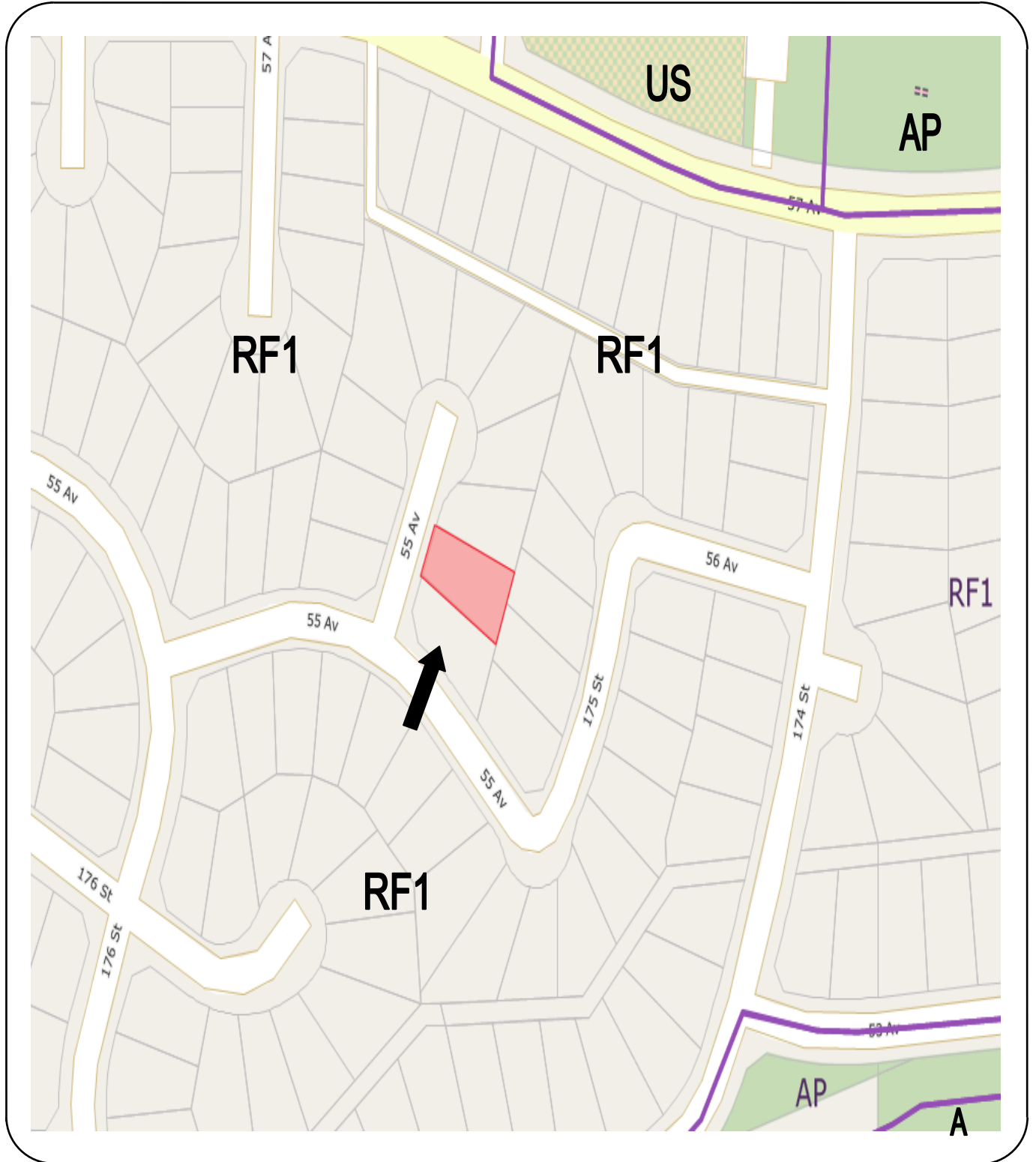
Development Officer’s Determination

Location of Vehicular Parking – Parking spaces shall not be located within the Front Yard (Section 54.2.2(e)(i)) [unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 260203962-004 Application Date: OCT 26, 2018 Printed: November 22, 2018 at 11:28 AM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
Applicant	Property Address(es) and Legal Description(s) 17512 - 55 AVENUE NW Plan 7823564 Blk 9 Lot 44 Specific Address(es) Entryway: 17512 - 55 AVENUE NW Building: 17512 - 55 AVENUE NW																				
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Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:																		
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I/We certify that the above noted details are correct. Applicant signature: _____																					
Development Application Decision Refused Issue Date: Nov 21, 2018 Development Authority: FOLKMAN, JEREMY Reason for Refusal The driveway extension is refused based on the following reasons: 1. Driveway location - The Driveway extension does not lead directly from the roadway to a Garage or Parking Area. (Section 54.1.4(a)) 2. Driveway width - The existing Driveway with extension is 10.0 m wide, the maximum allowed Driveway width is 7.4 m. (Section 54.1.4(c)) 3. Location of Vehicular Parking - Parking spaces shall not be located within a Front Yard. (Section 54.2.2(e)(i)) Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																					
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-204



ITEM III: 1:30 P.M.

FILE: SDAB-D-18-205

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 168694015-002

APPLICATION TO: Operate Temporary Storage Use (Gravel Truck Storage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 23, 2018

DATE OF APPEAL: November 13, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 603 - 67 Avenue NW

LEGAL DESCRIPTION: Plan 138KS Lot 18

ZONE: DC1 Direct Development Control Provision (Bylaw 15767)

OVERLAY: N/A

STATUTORY PLAN: Maple Ridge Industrial Area Structure Plan

Grounds for Appeal

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

This is a Temporary Storage Use. We are in process of complying with Section 3q of DC.14567.

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,
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- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

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

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

General Provisions from the DCI (Bylaw 15767) Direct Development Control Provision (the "DCI") and the Edmonton Zoning Bylaw (the "Bylaw"):

Under section 3.g of the *DCI*, **Temporary Storage** is a **listed Use**.

Under section 7.5(6) of the *Bylaw*, **Temporary Storage** means:

development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical Uses include pipe yards, or vehicle or heavy equipment storage compounds.

Under section 3.q of the *DCI*, **General Industrial Uses, only where serviced to City of Edmonton standards for roads and sewers and which shall have a service connection for potable water**, is a listed Use.

Under section 7.5(3) of the *Bylaw*, **General Industrial Uses** means:

development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution licensed and operating pursuant to provincial or federal legislation. This Use does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Section 1 of the *DCI* provides the following with respect to the **General Purpose** of the *DCI*:

The intent of this (DC1) Direct Control Provision is:

- To recognize existing residential and limited non-residential uses as permitted uses, but to prohibit any increase in the number of residential dwellings/lots.
- To permit improvements or additions to existing residential uses.
- To allow industrial uses with full City of Edmonton Standard services that are compatible with adjacent residential uses.

This DC1 allows transition to future industrial development with full City of Edmonton services for roads, sanitary sewer, drainage and potable water. The DC1 implements the policies of the Maple Ridge Industrial Area Structure Plan (Section 4.8).

<i>Use</i>

Section 7 of the *Bylaw* provides the following with respect to *Use Definitions*:

7.1 General

1. Uses, as set out in subsections 7.2 through 7.9 inclusive, are grouped according to common functional or physical impact characteristics.
2. Use definitions are used to define the range of Uses, which are Permitted Uses or Discretionary Uses, within the various Zones of this Bylaw.
3. The following guidelines shall be applied in interpreting the Use definitions:
 - a. the typical purposes or activities, which may be listed in the definitions, are not intended to be exclusive or restrictive;
 - b. where specific purposes or activities do not conform to any Use definition or generally conform to the wording of two or more Use definitions, the Development Officer may, at their discretion, deem that the purposes or activities conform to and are included in that Use which they consider to be the most appropriate. In such a case, the Use shall be considered a Discretionary Use, whether or not the Use is listed as a Permitted Use or Discretionary Use within the applicable Zone; and
 - c. the headings such as Residential Uses or Commercial Uses do not mean that the Uses listed under these headings are permitted only in Residential or Commercial Zones of this Bylaw. Reference must be made to the lists of Permitted Uses and Discretionary Uses within each Zone.

Development Officer's Determination

1. **The Development Officer determines that the proposed development is a General Industrial Use, and not a Temporary Storage use.**

A Temporary Storage means development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical Uses include pipe yards, or vehicle or heavy equipment storage compounds. (Reference Section 7.5(6)).

A General Industrial Use means development used principally for one or more of the following activities: the cleaning, servicing, repairing, goods and equipment normally associated with industrial businesses; the storage or transshipping of materials, goods and equipment (Reference Section 7.5.(3)(d)).

A site inspection conducted by the City identified the following activities being carried on within the subject site in addition to the outdoor storage of trucks:

- a) There are existing permanent buildings on site, used in conjunction for the maintenance and repair of the trucks and equipment on site;**
- b) The existing state of the land has been materially altered to accommodate a higher volume of trucks and to store construction materials and equipment associated with the businesses which includes the unauthorized access from 65 Avenue, fence, and outdoor storage space;**
- c) This proposed development for the business, M.H.Dhaliwal Trucking, exists on site, without permits. Furthermore, the activities identified on site for additional business AB Weeping Tile exceed the scope of an approved Minor Home Based Business development permit, which does not allow for outdoor storage associated with the Minor Home Based Business.**

2. A General Industrial Use may only be considered, when applied for, only where serviced to City of Edmonton standards for roads and sewers and which shall have a service connection for potable water. (Reference DC1.15767 Section 3.q).

The applicant has indicated that this is not the case, contrary to DC1.15767 Section 3.q. [unedited].

<i>Advisements</i>

Development Officer's Determination

Advisements

1) In accordance to the DC1 Direct Development Control Provision Maple Ridge Industrial Zone, Section 1, the General Purpose of the DC1 is to allow industrial uses with full City of Edmonton Standard services that are compatible with adjacent residential uses. This DC1 allows transition to future industrial development with full City of Edmonton services for roads, sanitary sewer, drainage and potable water. The DC1 implements the policies of the Maple Ridge Industrial Area Structure Plan (Section 4.8).

It is confirmed that the Site has not been upgraded to the City of Edmonton standards for servicing and does not have a connection to a public water system.

2) The minimum Front Yard shall be 7.5 m. (Reference DC1.15767 Section 4.c)

Insufficient information provided on Site Plan to confirm the Front Yard setback facing 65 Avenue NW.

3) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required Yard. (Reference DC1.15767 Section 4.e)

Insufficient information provided on Site Plan. Based on the aerial photo of site from Slim and site inspection photos, the outdoor storage to store construction materials and the parking spaces for trucks are located within a required Yard.

4) As required by DC1 Direct Development Control Provision Maple Ridge Industrial Zone Section 4.l, the Development Officer received four letters of opposition to the proposed development.

5) Notwithstanding subsection 13.1(1)(b), the Development Officer may consider an application if the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section. (Reference Section 13.1.2)

Although there are outstanding information to review for the compliance with the DC1 Provision, based on the combination of the inspection result and submitted information, the development officer concluded the decision for the application that the proposed development is not in keeping with the intentions of City Council as provided in Direct Control Provision 15767 and would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

6) The applicant has confirmed that the access shown on the Site Plan is 30 feet (9.14m), not 30m.


[unedited]

<i>Previous Subdivision and Development Appeal Board Decision</i>

Application Number	Description	Decision
SDAB-D-14-073	Construct an Accessory Building (shed – 24.40 metres by 10.36 metres, existing without permits).	April 10, 2014; the appeal is ALLOWED and the DEVELOPMENT GRANTED.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: 168694015-002 Application Date: MAR 09, 2015 Printed: November 13, 2018 at 2:52 PM Page: 1 of 3
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 603 - 67 AVENUE NW Plan 138KS Lot 18	
	Specific Address(es) Entryway: 603 - 67 AVENUE NW Building: 603 - 67 AVENUE NW	
Scope of Application To operate Temporary Storage Use (Gravel Truck Storage).		
Permit Details		
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N/A Site Area (sq. m.): 12135.41	Contact Person: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Application Decision Refused Issue Date: Oct 23, 2018 Development Authority: LEE, RACHEL		
THIS IS NOT A PERMIT		



Application for Major Development Permit

Project Number: **168694015-002**
 Application Date: MAR 09, 2015
 Printed: November 13, 2018 at 2:52 PM
 Page: 2 of 3

Reason for Refusal

1. The Development Officer determines that the proposed development is a General Industrial Use, and not a Temporary Storage use.

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A General Industrial Use means development used principally for one or more of the following activities: the cleaning, servicing, repairing, goods and equipment normally associated with industrial businesses; the storage or transshipping of materials, goods and equipment (Reference Section 7.5.(3)(d)).

A site inspection conducted by the City identified the following activities being carried on within the subject site in addition to the outdoor storage of trucks:

- a) There are existing permanent buildings on site, used in conjunction for the maintenance and repair of the trucks and equipment on site;
- b) The existing state of the land has been materially altered to accommodate a higher volume of trucks and to store construction materials and equipment associated with the businesses which includes the unauthorized access from 65 Avenue, fence, and outdoor storage space;
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2. A General Industrial Use may only be considered, when applied for, only where serviced to City of Edmonton standards for roads and sewers and which shall have a service connection for potable water. (Reference DC1.15767 Section 3.q).

The applicant has indicated that this is not the case, contrary to DC1.15767 Section 3.q.

Advisements

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THIS IS NOT A PERMIT



Project Number: **168694015-002**
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 Page: 3 of 3

Application for Major Development Permit

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6) The applicant has confirmed that the access shown on the Site Plan is 30 feet (9.14m), not 30m.

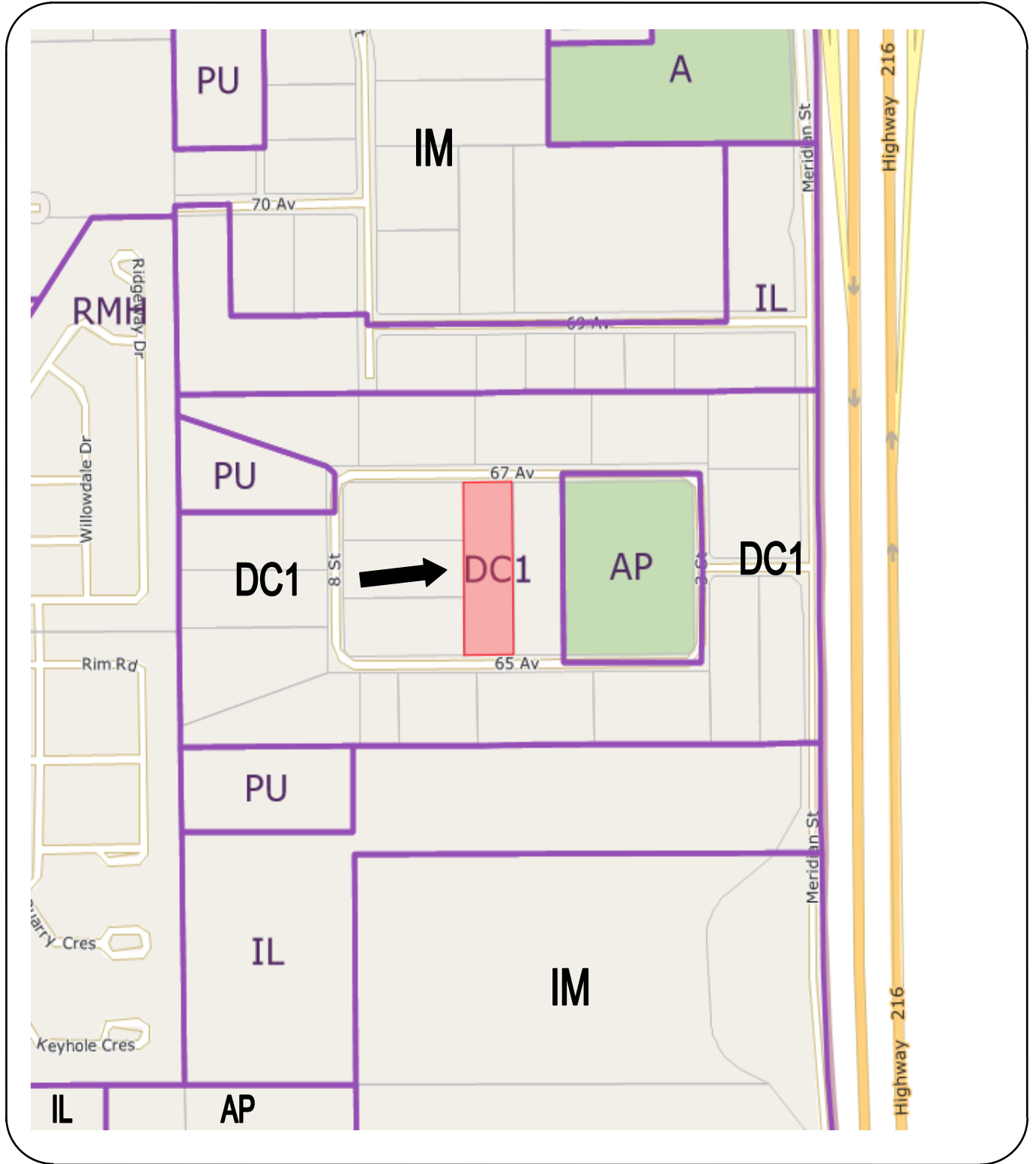
Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00	\$100.00	02380015	Apr 27, 2015
Major Dev. Application Fee	\$316.00	\$316.00	02380015	Apr 27, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$416.00	\$416.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-205

