

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
December 3, 2015**

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

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

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I	9:00 A.M.	SDAB-D-15-289	Develop a Garage Suite in an existing Accessory Building (2-Storey Garage, 8.53m x 9.14m)  11816 - 139 Street NW Project No.: 078043867-005
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II	11:00 A.M.	SDAB-D-15-290	Comply with an Order to demolish the existing Accessory Building (Detached Garage - 6.79 m by 7.40m) and remove materials from the site before May 30, 2016. (A Demolition Permit is required for the demolition of this building)  9351 - 90 Street NW Project No.: 176771671-001
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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-15-289

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 078043867-005

ADDRESS OF APPELLANT: 11816 - 139 Street NW

APPLICATION TO: Develop a Garage Suite in an existing  
Accessory Building (2-Storey Garage,  
8.53m x 9.14m)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 30, 2015

DATE OF APPEAL: November 11, 2015

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 11816 - 139 Street NW

LEGAL DESCRIPTION: Plan 5844HW Blk 18 Lot 2

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

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:

Our permit was refused because it was too big (78.97 square metres instead of 60 square metres). But back in 2008 we were given permission (a permit) to build our 2- storey 28 ft x 30 ft garage. So we would like to get an approval for a variance to allow us to use the whole space since the building already exists. [unedited]

***General Matters***

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Authority was dated October 30, 2015. The Notice of Appeal Period expired on November 13, 2015, and the Notice of Appeal was filed on November 11, 2015.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.3(3), **Garage Suites** are a **Discretionary Use** under the RF1 Single Detached Residential Zone.

Section 7.2(3) states:

**Garage Suite** means an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

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

... to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

<b><i>Floor Area</i></b>
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Section 87.3 states:

**87. Garage and Garden Suites**

Garage and Garden Suites shall be developed in accordance with the following regulations:

...

3. the maximum Floor Area shall be:
  - a. 60 m<sup>2</sup> for a Garage Suite (above Grade).
  - b. 50 m<sup>2</sup> for a Garden Suite and for a Garage Suite (at Grade).
  - c. notwithstanding (a) and (b) above, the maximum Floor Area may be increased by up to 7.5 m<sup>2</sup>, only where this additional floor area comprises the area of a Platform Structure associated with the Garage Suite or Garden Suite.

**Development Officer's Determination**

1. Floor Area - The Floor Area of the Garage Suite is 78.97m<sup>2</sup> instead of 60.0m<sup>2</sup> (Section 87.3).



2. Discretionary Use - A Garage Suite is a Discretionary Use in the RF1 Single Detached Residential Zone (Section 110.3.3).  
[unedited]

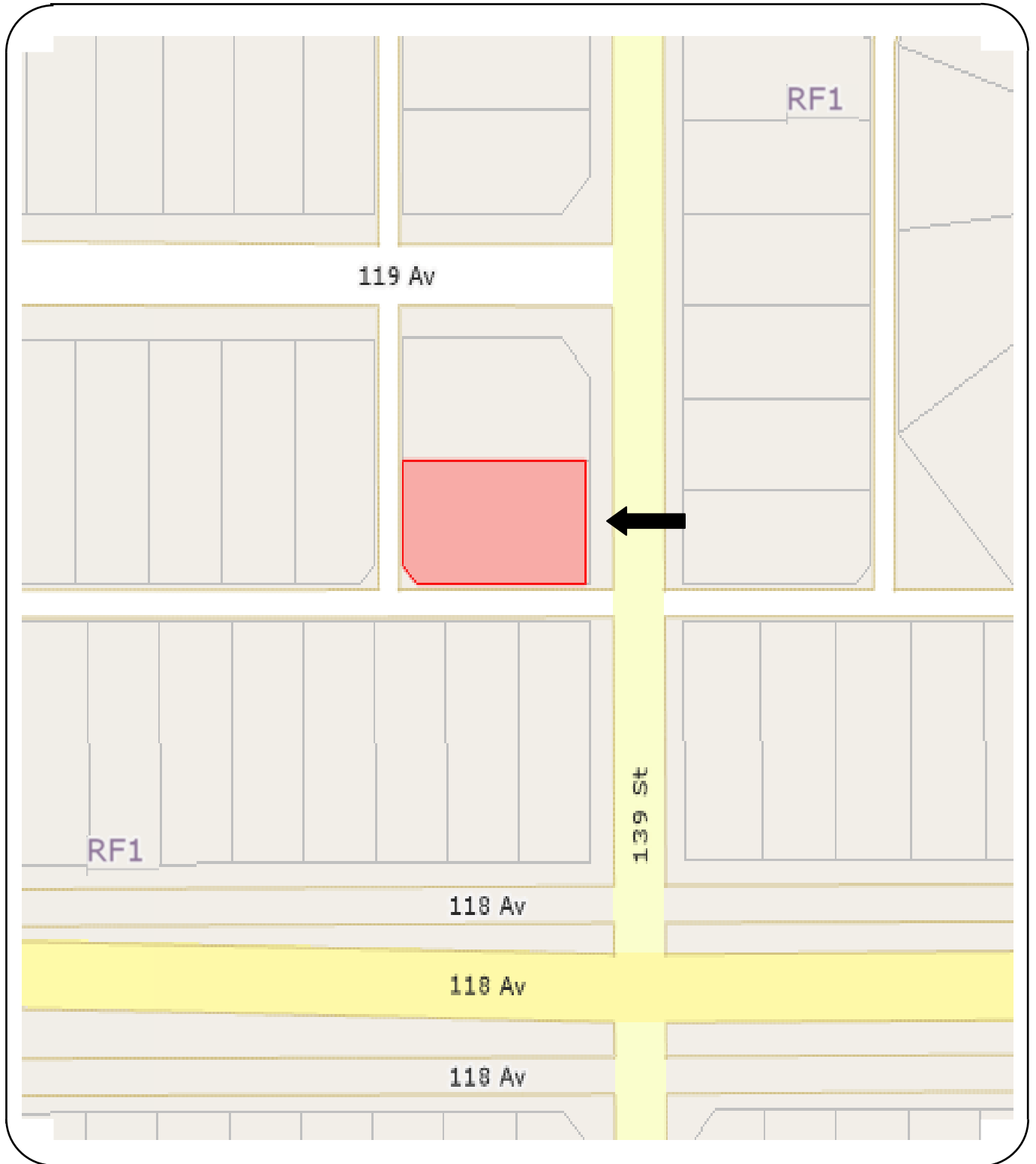
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Notice to Applicant/Appellant

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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	Project Number: <b>78043867-005</b> Application Date: MAY 15, 2015 Printed: November 27, 2015 at 3:56 PM 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.																										
<b>Applicant</b>  BEAUSOLEIL, JEAN & ARLENE 	<b>Property Address(es) and Legal Description(s)</b> 11816 - 139 STREET NW Plan 5844HW Blk 18 Lot 2  <b>Specific Address(es)</b> Entryway: 11816A - 139 STREET NW Building: 11816A - 139 STREET NW																									
<b>Scope of Application</b> To develop a Garage Suite in an existing Accessory Building (2-Storey Garage, 8.53m x 9.14m).																										
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     # of Dwelling Units Add/Remove: 1                      Client File Reference Number:                      Minor Dev. Application Fee: Secondary Suite                      Secondary Suite Included?: Y                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit:                      Lot Grading Needed?: N                      New Sewer Service Required: Y                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																							
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I/We certify that the above noted details are correct.  Applicant signature: _____																										
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b>  1. Floor Area - The Floor Area of the Garage Suite is 78.97m <sup>2</sup> instead of 60.0m <sup>2</sup> (Section 87.3).  2. Discretionary Use - A Garage Suite is a Discretionary Use in the RF1 Single Detached Residential Zone (Section 110.3.3).  <b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.																										
<b>Issue Date:</b> Oct 30, 2015 <b>Development Authority:</b> ROBINSON, GEORGE <b>Signature:</b> _____																										
<b>Fees</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></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>Dev. Application Fee</td> <td style="text-align: right;">\$260.00</td> <td style="text-align: right;">\$260.00</td> <td style="text-align: right;">02431324</td> <td style="text-align: right;">May 15, 2015</td> </tr> <tr> <td>Sanitary Sewer Trunk Fee for Secondary Suite</td> <td style="text-align: right;">\$633.00</td> <td style="text-align: right;">\$633.00</td> <td style="text-align: right;">02431324</td> <td style="text-align: right;">May 15, 2015</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$893.00</td> <td style="text-align: right; border-top: 1px solid black;">\$893.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$260.00	\$260.00	02431324	May 15, 2015	Sanitary Sewer Trunk Fee for Secondary Suite	\$633.00	\$633.00	02431324	May 15, 2015	Total GST Amount:	\$0.00				Totals for Permit:	\$893.00	\$893.00		
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<b>THIS IS NOT A PERMIT</b>																										



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-289





ITEM II: 11:00 A.M.

FILE: SDAB-D-15-290

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176771671-001

APPLICATION TO: Comply with an Order to demolish the existing Accessory Building (Detached Garage - 6.79 m by 7.40m) and remove materials from the site before May 30, 2016. (A Demolition Permit is required for the demolition of this building)

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: October 23, 2015

DATE OF APPEAL: November 4, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9351 - 90 STREET NW

LEGAL DESCRIPTION: Plan 1982HW Blk 1 Lot D

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

***Grounds for Appeal***

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

Previous missed appeal dates which triggered the current order to demolish the garage. I was informed I have to wait one year before I can make application again and the order to demolish happened prior to my one year timeline. I wish to appeal on behalf of the owners to maintain the current structure and proceed with finalizing all necessary permits required by the city. All neighbours approve of the structure and maintains the community's pride in ownership.

On the property located at 9351 - 90 Street NW in the mature neighbourhood of Strathearn we have built a detached two car garage. Chatting with neighbours who have been in the area for years they spoke about the old garage that used to exist on the same site in the same location and direction.

The reason for the appeal is to allow a side access entry into the garage that we found was the best solution for accommodating the garage without destroying retaining walls and mature trees that are acting as a reinforcement for the lane embankment. Also removing the trees will make the new garage much more revealing than the nestled pocket it currently exists.

The side entry also allowed for us to reduce the degrees of the apron/driveway to access the garage entrance. If we were to face the garage overhead door to the lane and keep the required distance from the house, a car would bottom out or rub the under carriage of the car on the concrete. Having the longer approach allowed us to resolve this concern.

Gas lines further complicated the process which we were able to work with ATCO to find a solution of putting the meter on the garage and return piping back to the house. Also finding a win win for both parties.

With today's vehicles becoming more compact and still readily required in our car based society the home prospers from having the two car garage and freeing up curb space for the neighbourhood.

Also measuring current parkades and parking lots you will find the spacing requirements comparable and sometimes greater than what we are asking for to keep the current garage in its location and positioning. Several other garges also have this positioning (a 90 degree turned entrance) of garage overhead door which will make the garage in discussion blend in with the community's look and feel.

We have had the good fortune of folks in the area commenting on the great job of making the garage fit in with the style and look of the house. Plus the positioning blends the garge into the current landscaping and retaining walls complimenting the property. [unedited]

**Board Officer's Comments:**

The Appellant's reference to "Previous missed appeal dates" concerns Appeal File Number SDAB-D-15-155 with respect to Project Number 167822014-001. In that appeal, the Board did not assume jurisdiction to hear the matter for the following reason:

Pursuant to Section 23(1)(a) of the *Interpretation Act*, RSA 2000, c I-8, the Board determined the Appellant was notified of the refusal of the development permit no later than May 21, 2015, and filed the appeal on June 15, 2015. Therefore, pursuant to Section 686(1)(a)(i) of the

*Municipal Government Act*, the appeal was not filed within the allowable 14 days.

The Appellant's Grounds for Appeal also states, in part: "I was informed I have to wait one year before I can make application again". Section 18 of the *Edmonton Zoning Bylaw* provides:

**18. Resubmission Interval**

1. An application for a Development Permit for a Use within the same Use Class of this Bylaw shall not be accepted by the Development Officer from the same or any other applicant for the same Site:
  - a. within six months of the date of a refusal by the Development Officer; or
  - b. within six months of the date of a written decision of the Subdivision and Development Appeal Board on a previous application, if the previous application was appealed to, and subsequently refused by, the Subdivision and Development Appeal Board; or
  - c. within six months of the date of a written decision of the Alberta Court of Appeal on the previous application if the application has been appealed to the Alberta Court of Appeal; or
  - d. during the time prior to the decision of the Subdivision and Development Appeal Board or the Alberta Court of Appeal, if the application has been appealed to the Subdivision and Development Appeal Board or the Alberta Court of Appeal.
- ...
4. Notwithstanding subsection 18.1 above, if two or more Development Permit Applications for the same Use Class on the same Site have been refused by the Development Officer, the Subdivision and Development Appeal Board, the Alberta Court of Appeal, or any combination of the above, the third and any subsequent Development Permit Application for that Use Class on that Site shall not be accepted by the Development Officer until one year from the date of the most recent refusal, unless that application is for a Permitted Use and complies in all respects with the Zoning.

***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.

**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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
  - ...

The Board is advised that the Order by the Development Authority is dated October 23, 2015. Fourteen days from the Order date is November 9, 2015 and the Notice of Appeal was filed on November 4, 2015.

**Stop Order**

The *Municipal Government Act* states:

**Stop order**

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

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

the development authority may act under subsection (2).

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

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

within the time set out in the notice.

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

### **Authority of the Subdivision and Development Appeal Board**

The *Municipal Government Act* states:

#### **Hearing and decision**

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

...

- (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 5 provides the following with respect to **Approval Required for Development**:

**5.1 No Person:**

1. shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or
2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw.

Under Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Section 6.1(2) states: “**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.”

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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. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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MAILING ADDRESS:  
5th Floor, 10250 - 101 Street NW  
Edmonton, AB T5J 3P4

October 23, 2015

Our File: 176771671-001

SCHIPPANOSKI, STEVEN & DANIELLE



Dear Sir/Madam:

A check with Land Titles Office discloses that you are the registered owner(s) of the property located at 9351 90 Street NW, Legally described as Plan 1982HW Blk 1 Lot D.

On October 22, 2015 Development Compliance Officer Kailey Lamont from the City of Edmonton having the authority to exercise development powers under Section 624(1) of the Municipal Government Act, R.S.A. 2000 conducted a site inspection of the above noted property revealing that there are violations regarding the City of Edmonton Zoning Bylaw #12800.

**LAND USE INFRACTION:**

This property is zoned RF1 (Single Detached Residential Zone) in accordance with Section 110 of the Edmonton Zoning Bylaw. Our investigation revealed that a Accessory Building (Detached garage 6.79m x 7.40m) has been built. The City of Edmonton has not issued a development permit to construct the Existing Accessory Building (Detached garage 6.79m x 7.40m), which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

**ORDER:**

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

1. DEMOLISH THE EXISTING ACCESSORY BUILDING (DETACHED GARAGE 6.79m x 7.40m) AND REMOVE MATERIALS FROM THE SITE BEFORE MAY 30, 2016. (A Demolition Permit is required for the demolition of this building)

**CONSEQUENCES FOR NON-COMPLIANCE:**

This serves as a Violation Notice in accordance with Section 23.3 of Edmonton Zoning Bylaw 12800.

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is

Hearing Date: Thursday, December 3, 2015

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liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT:

1. DEMOLISH THE EXISTING ACCESSORY BUILDING (DETACHED GARAGE 6.79m x 7.40m) WITH AN APPROVED DEMOLITION PERMIT AND REMOVE MATERIALS FROM THE SITE BEFORE MAY 30, 2016, the City will carry out the Order pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-442-7257.

Regards,

Kailey Lamont  
Development and Zoning  
Current Planning  
Phone Number: 780-442-7257  
Email Address: Kailey.Lamont@edmonton.ca



**Adding  
Amounts  
Owing to tax  
roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
  - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
  - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
  - (d), (e) repealed 1999 c11 s35;
  - (f) costs associated with tax recovery proceedings related to the parcel;
  - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
  - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
  - (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board was related to the parcel;
  - (h.1) the expenses and costs of carrying out an order under section 646;
  - (i) any other amount that may be added to the tax roll under an enactment.

**Stop order**

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
  - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
  - (b) demolish, remove or replace the development, or
  - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

**Enforcement of  
stop order**

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

- (3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

**Permit**

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

**Grounds for appeal**

- 685(1)** If a development authority

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

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

- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

**Appeals**

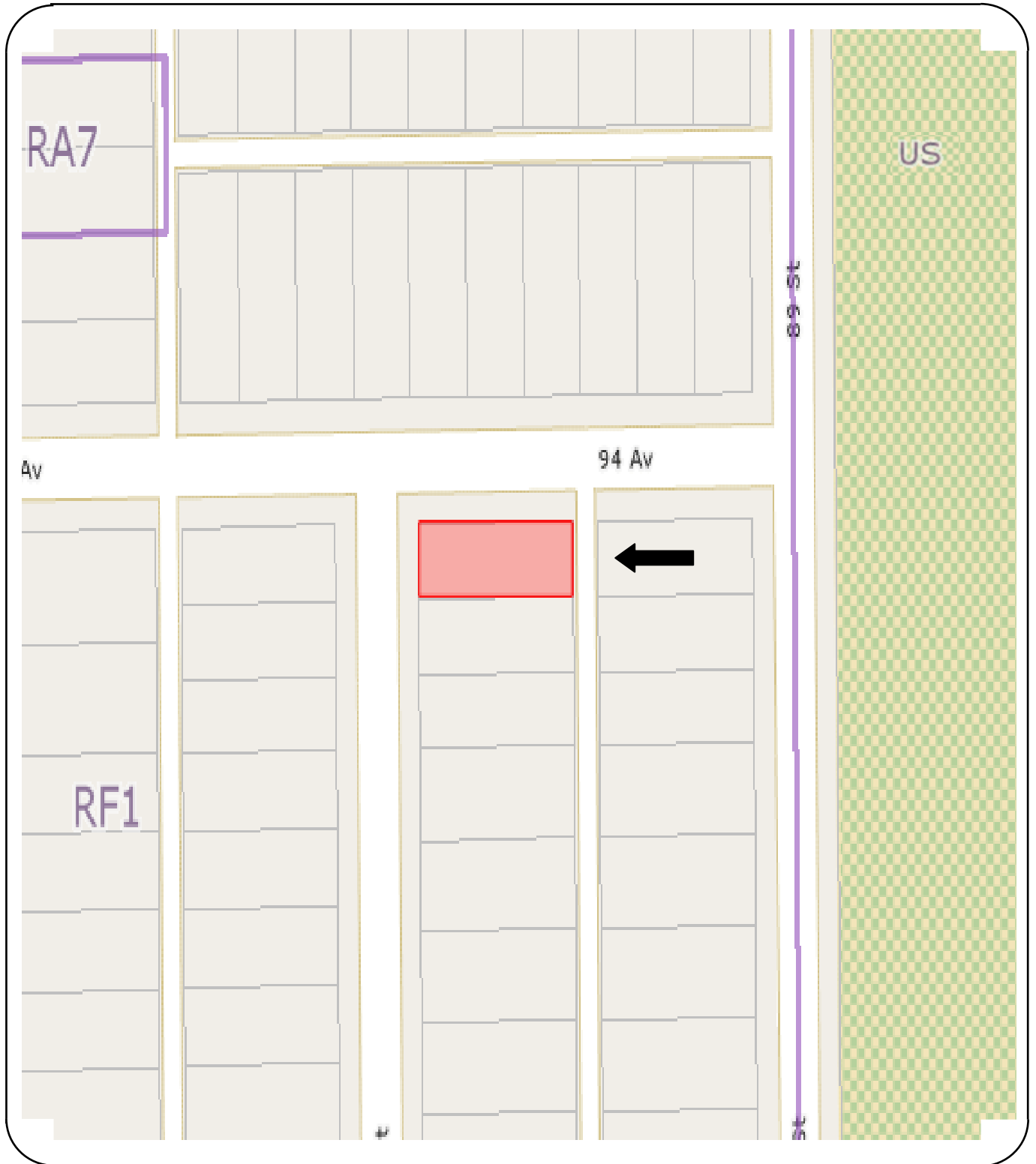
- 686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
  - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

- (2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing
- (a) to the appellant,
  - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
  - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
- (a) the application for the development permit, the decision and the notice of appeal, or
  - (b) the order under section 645.
- (5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



**SURROUNDING LAND USE DISTRICTS**

Site Location



File: SDAB-D-15-290



**BUSINESS LAID OVER**

SDAB-D-15-300	An appeal by Dean and Jade Gronemeyer VS Imelda Calapre to convert a Single Detached House into a Limited Group Home (6 Residents). <b><i>December 10, 2015</i></b>
SDAB-D-15-280	An appeal by <u>EPCOR</u> to construct a Minor Impact Utility Services Use Building (EPCOR Training facility) <b><i>January 6, 2016</i></b>
SDAB-D-15-293	An appeal by <u>Kennedy/Agrios LLP</u> to construct exterior alterations to a Professional, Financial and Office Support Services Use building (Karst Properties Parking Expansion – Proposed New Parking Lot Layout) <b><i>January 7, 2016</i></b>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <b><i>March 9 or 10, 2016</i></b>
SDAB-D-15-236 to 241	An appeal by <u>Ogilvie LLP</u> to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <b><i>February 17 or 18, 2016</i></b>
SDAB-D-15-252	An appeal by <u>Southwest Muslim Community Centre</u> to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <b><i>February 10 or 11, 2016</i></b>
SDAB-D-15-268	An appeal by <u>Ken Chen / Ogilvie LLP</u> to Leave as built a Single Detached House. <b><i>Date to be determined</i></b>

**APPEAL HEARINGS TO BE SCHEDULED**

176406166-003	An appeal by <u>Wilfred Krebs</u> to convert a half of Semi-detached Housing to 3 Dwellings of Apartment Housing and to construct interior alterations (existing without permits, 1 Dwelling above grade, Dwellings below grade). <b><i>December 16, 2015</i></b>
160474324-004	An appeal by <u>1319416 Alberta Ltd.</u> to replace Roof Off-premises Sign with (1) roof mounted Minor Digital On-premises Off-premises Sign (1319416 ALBERTA LTD.) <b><i>December 16, 2015</i></b>

**APPEAL HEARINGS TO BE SCHEDULED - Continued**

171838918-001	An appeal by <u>Icewerx Consulting Inc.</u> to install one Minor Digital Off-premises Sign (Icewerx). <b><i>January 13 or 14, 2016</i></b>
159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Single Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <b><i>January 21, 2016</i></b>