

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
December 9, 2015**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

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I 9:00 A.M. SDAB-D-15-291

Construct an Accessory Building (rear Detached  
Garage, 9.75m x 9.14m)

10315 - 140 Street NW

Project No.: 178761837-001

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II 10:30 A.M. SDAB-D-15-292

Change the Use from Professional, Financial,  
and Office Support Services to Bar and  
Neighbourhood Pubs with Outdoor patio (388  
Occupants and 308.1 sq. m. of Public Space),  
and to construct exterior and interior alterations

10125 - 109 Street NW

Project No.: 177295660-001

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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-15-291

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 178761837-001

ADDRESS OF APPELLANT: 10315 - 140 Street NW

APPLICATION TO: Construct an Accessory Building (rear Detached Garage, 9.75m x 9.14m).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 21, 2015

DATE OF APPEAL: November 18, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10315 - 140 Street NW

LEGAL DESCRIPTION: Plan 3875P Blk 97 Lot 18

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: None

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***Grounds for Appeal***

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

I live in an older neighbourhood. There are many garages that are angled like the one I want to build. According to the refusal my driveway will be short by 2.41 metres. There are many in my neighbourhood that have less than 7.0m driveways. The size of my garage is over by 1.7%. I need the space to park 2 vehicles and have room to work on them if necessary. [unedited]

***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,

The Board is advised that the decision of the Development Authority is dated October 21, 2015. The Notice of Appeal was filed on November 18, 2015.

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

Pursuant to Section 110.1, the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

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

***Maximum Site Coverage***

Pursuant to Section 110.4(7)(a), the Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. a.Single Detached Housing - Site greater than 300 m2	28%	12%	40%	40%
b. Single Detached Housing - Site area less than 300 m2	28%	14%	42%	42%
c. Duplex Housing	28%	12%	40%	40%
d. Semi-detached Housing - Site area 600 m2 or greater	28%	12%	40%	40%
e. Semi-detached Housing - Site area less than 600m2	28%	14%	42%	42%
f. All other Uses	28%	12%	40%	40%

**Development Officer’s Determination:**

1.) Section 110.4(7)(a): Site coverage for an Accessory Building cannot exceed 12%  
 Proposed Site Area: 650.47 sqm  
 Proposed Accessory Building = 89.115 sqm or 13.70%  
 Over by: 1.7% [unedited]

<b><i>Parking</i></b>
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Pursuant to Section 54.2(4)(vi), Vehicular Parking Dimensions and Configurations must be as follows:

Aisles shall be a minimum of 7.0m wide for 90 degree parking, 5.5m wide for 60 degree parking, and 3.6m wide for 45 degree parking and parallel parking.

**Development Officer’s Determination:**

2.) Section 54.2(4)(vi): aisles shall be a minimum of 7.0 m wide for 90 degree parking.

The door is facing the interior side of the lot (90 degree parking)  
 Width proposed = 4.59m  
 Deficient: 2.41m

The aisle width is considerably deficient limiting the ability to enter and exit the garage appropriately.



Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties. [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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	<p style="text-align: right;">Project Number: <b>178761837-001</b>                  Application Date: SEP 03, 2015                  Printed: December 4, 2015 at 10:11 AM                  Page: 1 of 2</p>		
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">Accessory Building Development and Building Permit</h1>			
<p>This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit</p>			
<p><b>Applicant</b></p> <p>NAIDOO, SHEREEN  </p>	<p><b>Property Address(es) and Legal Description(s)</b>                  10315 - 140 STREET NW                  Plan 3875P Blk 97 Lot 18</p> <p><b>Location(s) of Work</b>                  Entryway: 10315 - 140 STREET NW                  Building: 10315 - 140 STREET NW</p>		
<p><b>Scope of Application</b>                  To construct an Accessory Building (rear Detached Garage, 9.75m x 9.14m).</p>			
<p><b>Permit Details</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Building Area (sq. ft.): 960                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class A                      Type of Accessory Building: Detached Garage (010)                 </td> </tr> </table> <p>I/We certify that the above noted details are correct.                  Applicant signature: _____</p>		Building Area (sq. ft.): 960 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class A Type of Accessory Building: Detached Garage (010)
Building Area (sq. ft.): 960 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class A Type of Accessory Building: Detached Garage (010)		
<p><b>Development Application Decision</b>                  Refused</p> <p><b>Reasons for Refusal</b></p> <p>1.) Section 110.4(7)(a): Site coverage for an Accessory Building cannot exceed 12%</p> <p>Proposed                  Site Area: 650.47 sqm                  Proposed Accessory Building = 89.115 sqm or 13.70%                  Over by: 1.7%</p> <p>2.) Section 54.2(4)(vi): aisles shall be a minimum of 7.0 m wide for 90 degree parking.</p> <p>The door is facing the interior side of the lot (90 degree parking)                  Width proposed = 4.59m                  Deficient: 2.41m</p> <p>The aisle width is considerably deficient limiting the ability to enter and exit the garage appropriately.</p> <p>Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.</p> <p><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.</p>			
<p>Issue Date: Oct 21, 2015      Development Authority: HEIMDAHL, KENDALL      Signature: _____</p>			
<p><b>THIS IS NOT A PERMIT</b></p>			



Project Number: **178761837-001**  
Application Date: SEP 03, 2015  
Printed: December 4, 2015 at 10:11 AM  
Page: 2 of 2

## Application for Accessory Building Development and Building Permit

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	02723286	Sep 03, 2015
Dev. Application Fee	\$105.00	\$105.00	02723286	Sep 03, 2015
Building Permit Fee	\$100.00	\$100.00	02723286	Sep 03, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$209.50	\$209.50		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-291



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-292

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

APPELLANT:

APPLICATION NO.: 177295660-001

ADDRESS OF APPELLANT: 408, 10125 – 109 Street NW

APPLICATION TO: Change the Use from Professional, Financial, and Office Support Services to a Bar and Neighbourhood Pub with Outdoor patio (388 Occupants and 308.1 sq. m. of Public Space), and to construct exterior and interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 4, 2015

DATE OF APPEAL: November 17, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 10125 - 109 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10125 - 109 Street NW

LEGAL DESCRIPTION: Condo Common Area (Plan 9020932,1522596)

ZONE: UW Urban Warehouse Zone

OVERLAY: Special Area Downtown

STATUTORY PLANS IN EFFECT: Capital City Downtown Plan

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***Grounds for Appeal***

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

I believe that in this building there are already enough bars and restaurants. There is already too much noise and drunk people on sidewalks yelling and screaming til 3 a.m. There are over 250 residential units in capital centre [unedited].

***General Matters***

**Appeal Information:**

The decision of the Development Authority was appealed by the Appellant, Marijan Semenjuk.

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.

**685(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

**Appeals**

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

The Board is advised that the decision of approval by the Development Officer is dated November 4, 2015. The Notice of Appeal was filed on November 17, 2015.

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

Pursuant to Section 910.11, the **General Purpose** of the **Urban Warehouse Zone** is to:

Develop a unique mixed-use business commercial, educational and residential neighbourhood, accommodating a diversity of uses, including residential, commercial, institutional, light manufacturing and assembly in a safe, walkable, human-scaled built environment that builds on the existing land use pattern and respects the architectural characteristics and functions of the area.

**Professional, Financial and Office Support Services** is a **Permitted Use** in the **Urban Warehouse Zone**.

Section 7.4(42) defines **Professional, Financial and Office Support Services** as follows:

Development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

**Bars and Neighbourhood Pubs** is a **Permitted Use** in the **Urban Warehouse Zone**.

Section 7.4(6) defines **Bars and Neighbourhood Pubs** as follows:

Development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site. This Use Class typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical Uses include neighbourhood pubs, bars, beverage rooms, and cocktail lounges.

***Reduced Front Setback***

Section 910.11(4)(d)(i) provides as follows:

Buildings shall have a front Setback 1.5 to 3.0m, except that buildings shall be setback to 1.5 to 4.0m along 109 Street and 3.0 to 4.5m along 108 Street

**Development Officer's Determination:**

1. Reduced Front Setback - The distance from the building to the property line along 109 Street (front lot line) is 0.91 m instead of 1.5 m (Section 910.11.4. d.i)[unedited].

***Landscaping***

Pursuant to Section 55.4(7), for development consisting of Non-residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

- (a) one tree for each [35 m<sup>2</sup>](#) and one shrub for each [15 m<sup>2</sup>](#) of Setback at Grade; and
- (b) one tree for each [20 m<sup>2</sup>](#) and one shrub for each [10 m<sup>2</sup>](#) of required parking area islands. In no case shall there be less than one tree per required parking area island.

**Development Officer's Determination:**

2. Landscaping - The site has zero (0) trees, instead of two (2). (Section 55.4.7)

Pursuant to Section 55.8(3), all planting shall conform to the following:

- a. the proportion of deciduous to coniferous trees and shrubs shall be approximately 50:50; and
- b. the following mix of tree sizes shall be used:
  - i. 50% of required deciduous trees shall be a minimum 50 mm Calliper and 50% shall be a minimum [75 mm](#) Calliper; and
  - ii. 75% of required coniferous trees shall be a minimum of [2.5 m](#) in height and 25% shall be a minimum [3.5 m](#) in height.

**Development Officer's Determination:**

3. Landscaping - There are 0 % deciduous shrubs and 100 % coniferous shrubs, instead of an even number of each (Section 55.8.3) [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.



Project Number: 177295660-001  
Application Date: AUG 10, 2015  
Printed: December 4, 2015 at 10:56 AM  
Page: 1 of 3

### Major Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

<b>Applicant</b>  MCKINLEY BURKART ARCHITECTURE 	<b>Property Address(es) and Legal Description(s)</b> 10125 - 109 STREET NW Condo Common Area (Plan 9020932,1522596)  <b>Specific Address(es)</b> Entryway: 10171 - 109 STREET NW Building: 10125 - 109 STREET NW
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**Scope of Permit**  
To change the Use from Professional, Financial, and Office Support Services to Bar and Neighbourhood Pubs with Outdoor patio (388 Occupants and 308.1 sq. m. of Public Space), and to construct exterior and interior alterations.

<b>Permit Details</b>  Class of Permit: Class B Gross Floor Area (sq.m.): 174 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.  
Applicant signature: \_\_\_\_\_

**Development Permit Decision**  
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **177295660-001**  
Application Date: AUG 10, 2015  
Printed: December 4, 2015 at 10:56 AM  
Page: 2 of 3

## Major Development Permit

### Subject to the Following Conditions

Subject to the following conditions:

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification fee of \$100.

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

Landscaping shall be in accordance to the approved landscape, Section 55 and to the satisfaction of the Development Officer.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

- a) cash to a value equal to 100% of the established landscaping costs;
- or
- b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55.6

Major entry way shall be designed and oriented to face 109 Street NW.

Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51 of the Edmonton Zoning Bylaw 12800).

### Notes:

A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

The permit holder is advised to read the reverse for important information concerning this decision.





Project Number: **177295660-001**  
 Application Date: AUG 10, 2015  
 Printed: December 4, 2015 at 10:56 AM  
 Page: 3 of 3

## Major Development Permit

**Variations**

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

1. Reduced Front Setback - The distance from the building to the property line along 109 Street (front lot line) is 0.91 m instead of 1.5 m (Section 910.11.4. d.i).
2. Landscaping - The site has zero (0) trees, instead of two (2). (Section 55.4.7)
3. Landscaping - There are 0 % deciduous shrubs and 100 % coniferous shrubs, instead of an even number of each (Section 55.8.3)

**Rights of Appeal**

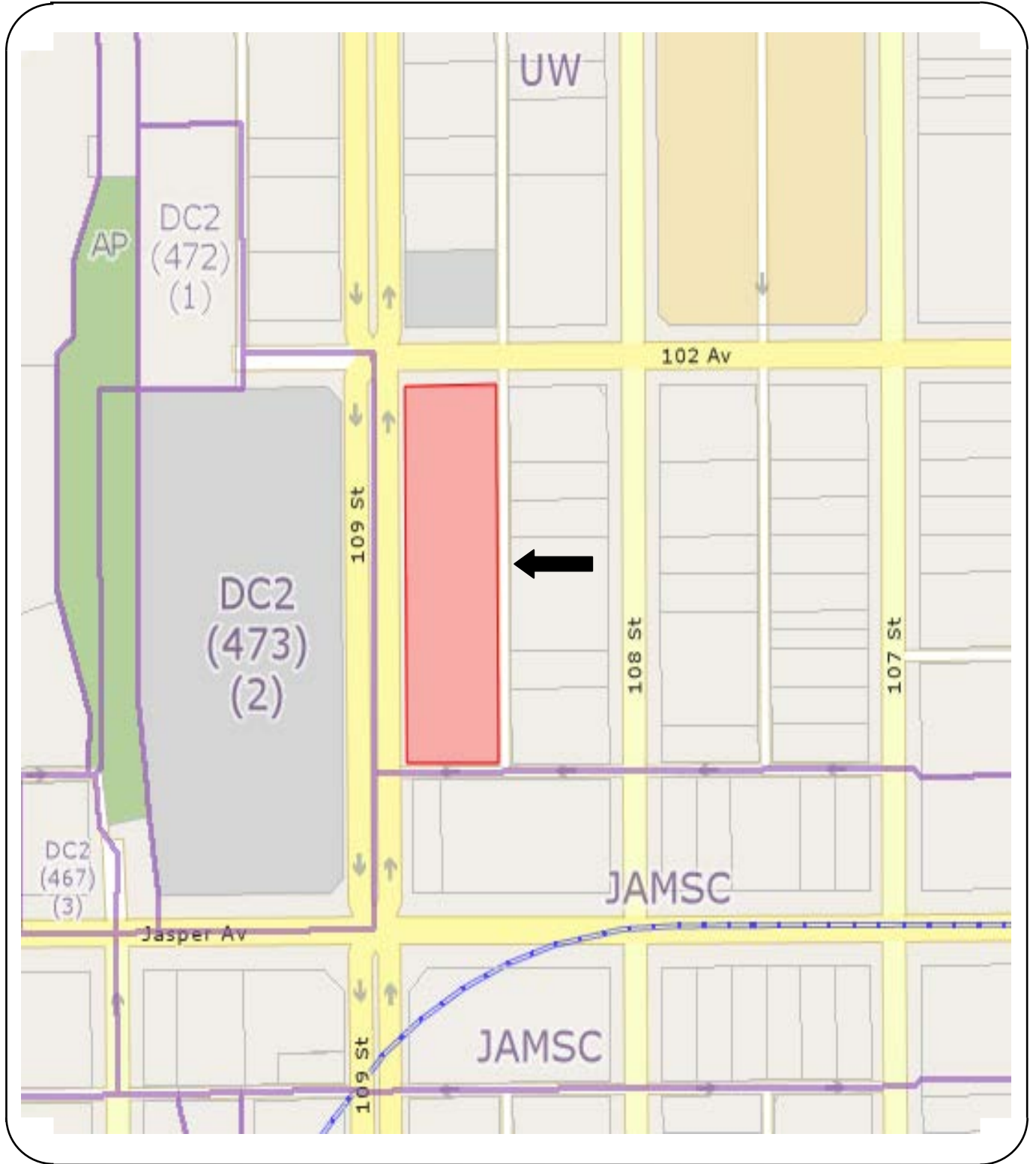
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 04, 2015    Development Authority: YEUNG, CARMAN    Signature: \_\_\_\_\_  
 Notice Period Begins: Nov 10, 2015    Ends: Nov 23, 2015

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$333.00	\$333.00	02666182	Aug 13, 2015
DP Notification Fee	\$100.00	\$100.00	02874079	Nov 05, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$433.00	\$433.00		

**The permit holder is advised to read the reverse for important information concerning this decision.**



**SURROUNDING LAND USE DISTRICTS**

Site Location 

File: SDAB-D-15-292



**BUSINESS LAID OVER**

SDAB-D-15-280	An appeal 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 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-15-298	An appeal to erect an over height Fence (5.44 m in length on west property line at 2.44 m in Height) in the Rear Yard of a Single Detached House <b><i>January 13 or 14, 2016</i></b>
SDAB-D-15-247	An appeal to 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 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 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 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 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 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>
174864823-001	An appeal to convert a Single Detached House into a Limited Group Home (6 Residents). <b><i>December 10, 2015</i></b>
163727651-001	An appeal by to operate a Temporary Non-Accessory Parking Lot for two years (December 2015 to December 2017) <b><i>January 6 or 7, 2016</i></b>
176013858-001	An appeal to construct a Single Detached House with a rear attached

	Garage, a front veranda, fireplace, basement development (NOT to be used as an additional Dwelling) <b><i>January 13 or 14, 2016</i></b>
171838918-001	An appeal to install one Minor Digital Off-premises Sign (Icewerx). <b><i>January 13 or 14, 2016</i></b>
159269966-003	An appeal 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>