

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
February 1, 2018**

**River Valley Room  
City Hall, 1 Sir Winston  
Churchill Square NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
RIVER VALLEY ROOM**

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I 9:00 A.M. SDAB-D-18-018

Change the Use from a Restaurant to a Child Care Service (105 children) and construct interior and exterior alterations (develop outdoor playground).

10539 - 124 Street NW  
Project No.: 264607552-001

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II 1:00 P.M. SDAB-S-18-001

Create one (1) additional Single Detached Residential Lot

10719 - 130 Street NW  
Project No.: 267660433-001

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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-18-018

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

APPELLANT:

APPLICATION NO.: 264607552-001

APPLICATION TO: Change the Use from a Restaurant to a Child Care Service (105 children) and construct interior and exterior alterations (develop outdoor playground).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: December 12, 2017

NOTIFICATION PERIOD: December 19, 2017 through January 9, 2018

DATE OF APPEAL: January 8, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10539 - 124 Street NW

LEGAL DESCRIPTION: Plan 6065HW Blk 23 Lot 4

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

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***Grounds for Appeal***

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

1. As eloquently stated and supported by the 124 Street Business Association, the vision for 124 Street is to be Edmonton's premier destination main street shopping district and home to the city's finest local independent restaurants, art galleries, boutiques, and premium services that is characterized by a pedestrian-friendly, low to mid-rise urban form.

The approval of a Child Care Service for 105 children is diametrically opposite to the vision of 124 Street as a pedestrian-friendly, main street shopping and home to the city's finest local independent restaurants, art galleries and boutiques. A Child Care Service is none of the above and is totally inappropriate for the area which is one reason why this use is a Discretionary Use and not a Permitted Use.

I have spent millions of dollars on my development, supporting the vision for 124 Street, constructing an elegant building containing interesting boutiques and supporting progressive shopping experiences.

This proposed development will create a retail dead zone within the block an antithesis to a main street, pedestrian-friendly shopping experience.

2. Secondly, 124 Street is well known for its lack of parking. The West Ingle ARP clearly states parking is problematic in this area. I note that the approved development does not meet the minimum requirements for parking and is short by more than 50% of the required parking. This is totally unacceptable. It will continue to contribute to an already parking shortage in the neighbourhood.

Even though we have sufficient parking on my site, I rely on easy access to parking in front of my development for the convenience of our customers. I can see this parking disappearing with vehicles dropping off and picking up children during the day. It may be construed as short-term parking, but the loading and unloading of 105 children during the business day will add substantial vehicles fighting for the few parking spots along 124 Street.

3. Finally, the old Boston Pizza site is a prime site for a new development that could add to the diversity and shopping experience along 124 Street.

By maintaining the existing building, property value of my development and the surrounding area will decrease due to traffic congestion and a neighbour which reduces the opportunity for an increase in shopping experience.

My development is worth \$4.5 million and without new infrastructure along 125 Street that will contribute to new shopping experienced, my investment will certainly not increase in value and with the retention of the tired old Boston Pizza building beside my development, my investment will certainly drop in value over the next number of years.

I respectfully ask the SDAB to seriously consider my concerns about the approval of a Child Care Service adjacent to my development.

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal 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 decision is made under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
  - or
  - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**Hearing and Decision**

**687(3)** In determining an appeal, the 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 clause (d), must comply with any land use bylaw in effect;

...

- (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 330.3(6), **Child Care Services** is a **Discretionary Use** in the (CB1) Low Intensity Business Zone.

Under section 7.8(2), **Child Care Services** means:

a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider's residence.

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

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.

**Development Officer's Determination**

**1) Discretionary Use - The Child Care Service is approved as a Discretionary Use (Section 330.3).** [unedited]

***Parking spaces, pick-up/drop-off spaces, loading spaces***

Section 800.4(1) of the City-Wide Master Overlay states:

The regulations provided in the Overlay shall be substituted for the specified regulations of the underlying Zone. Where there appears to be a conflict between the provisions of the Overlay and those of the underlying Zone, the provisions of the Overlay shall take precedence and effect.

Section 54.2, Schedule 1(A)(32) provides the following with respect to Child Care Services:

- a) Passenger pick-up/drop-off spaces shall be provided at the rate of 2 pick-up/drop-off spaces for the first 10 children, plus 1 additional pick-up/drop-off space for every 10 additional children.
- i) Passenger pick-up/drop-off spaces shall be designated with signs to reserve the parking spaces for Child Care Service pick-up/drop-off, to the satisfaction of the Development Officer.

- ii) Passenger pick-up/drop-off spaces shall be located as close as possible to the main entrance used by the Child Care Service, and shall not be located further than 100 m from the main entrance used by the Child Care Service. The distance between the farthest parking space in the pickup/drop-off area and the main entrance of the Child Care Service shall be measured along the shortest publically accessible pedestrian route.
  - iii) An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied with the proposal.
- b) employee parking shall be provided at the rate of:
- i) 1 parking space per 100.0 m<sup>2</sup> of Floor Area; or
  - ii) 1 parking space per 360.0 m<sup>2</sup> of Floor Area where the Child Care Service is proposed within 400 m of an LRT Station, Transit Centre, Transit Avenue, or all Lots within the boundaries of the Oliver Area Redevelopment Plan, as adopted by Bylaw 11618, as amended, or all Lots within the boundaries of the Strathcona Area Redevelopment Plan, as adopted by Bylaw 11890, as amended; or
  - iii) Where the Child Care Service is for a dayhome/group family care providing care to 7 or more children within the residence of the child care provider, 1 parking space for each non-resident employee, in addition to the parking required for the primary Dwelling. Where a Front Yard Driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this Driveway as the provision of a parking space that is in tandem.

Section 819.3(11) of the Main Streets Overlay states “The minimum number of off-street parking spaces required shall be in accordance with Section 54, Schedule 1C.”

Section 54.2, Schedule 1(C)(7) provides the following:

Use of Building or Site	Minimum or Maximum Number of Parking Spaces Required
All other non-residential Uses	1 parking space per <u>100.0 m<sup>2</sup></u> of Floor Area



**Development Officer's Determination**

**2) Parking - The site has 6 parking spaces, instead of 14 (Section 54.2, and Schedule 1). [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: **264607552-001**  
 Application Date: OCT 13, 2017  
 Printed: January 8, 2018 at 3:54 PM  
 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>	<b>Property Address(es) and Legal Description(s)</b> 10539 - 124 STREET NW Plan 6065HW Blk 23 Lot 4
	<b>Specific Address(es)</b> Suite: 10539 - 124 STREET NW Suite: 10543 - 124 STREET NW Entryway: 10539 - 124 STREET NW Entryway: 10543 - 124 STREET NW Building: 10539 - 124 STREET NW

**Scope of Permit**

To change the Use from a Restaurant to a Child Care Service (105 children) and construct interior and exterior alterations (develop outdoor playground).

**Permit Details**

Class of Permit: Class B  
 Gross Floor Area (sq.m.): 505.6  
 New Sewer Service Required: N  
 Site Area (sq. m.): 928.52

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 Permit Decision**

Approved



Project Number: **264607552-001**  
 Application Date: OCT 13, 2017  
 Printed: January 8, 2018 at 3:54 PM  
 Page: 2 of 3

## Major Development Permit

### Subject to the Following Conditions

- 1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1).
- 2) All exterior alterations beyond the proposed outdoor playground shall require a separate Development Permit.
- 3) Any modification to the existing alley access requires the review and approval of Subdivision Planning.
- 4) There is an existing power pole with Telus facilities in the alley that may interfere with access to parking for the site, as per the Subdivision Planning memorandum of 1 December 2017. Should relocation of the pole be required, all costs associated with relocation must be borne by the owner/applicant. The applicant should contact Ron Hewitt (780-412-3128) of EPCOR Customer Engineering and Lillian Liu (587-985-8574) of Telus for more information.
- 5) All parking stalls perpendicular to the alley must be a minimum length of 5.5 m.
- 6) The proposed gate must not swing out over road right-of-way. It must either swing into the property or slide along the fence. No objects are permitted to encroach onto, over or under road right-of-way.
- 7) Garbage enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way, as per the Subdivision Planning memorandum of 1 December 2017.
- 8) There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant. Please contact Bonnie Fermanuik at City Operations, Parks and Roads Services (780-496-4960).
- 9) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
- 10) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
  - the start/finish date of project;
  - accommodation of pedestrians and vehicles during construction;
  - confirmation of lay down area within legal road right of way if required;
  - and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: [http://www.edmonton.ca/transportation/on\\_your\\_streets/on-street-construction-maintenance-permit.aspx](http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx)
- 11) Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalks and boulevard will be inspected by Development Inspections prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.
- 12) 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.
- 13) 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:



Project Number: **264607552-001**  
 Application Date: OCT 13, 2017  
 Printed: January 8, 2018 at 3:54 PM  
 Page: 3 of 3

## Major Development Permit

**NOTES:**

- 1) 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.
- 2) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 3) Signs require separate Development Applications.
- 4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 5) 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.
- 6) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

**ADVISEMENTS:**

- 1) An on-street time-restricted (5 or 15 minute) passenger loading zone (10 m length maximum) along 124 Street may be provided adjacent to the subject site to facilitate drop-off/pick-up activity associated with the development. Time restrictions will be required for the loading zone to reflect the existing tow-away (no stopping) zone between 15:30 ? 18:00 Monday to Friday. The applicant should contact Brian Murphy (780-944-0040) of City Operations, Parking Services to coordinate the implementation of the on-street loading zone. Any costs associated with loading zone, including signage, shall be at the expense of the owner/applicant. The location and timing of the loading zone will be confirmed by City Operations.

**Variances**

- 1) Discretionary Use - The Child Care Service is approved as a Discretionary Use (Section 330.3).
- 2) Parking - The site has 6 parking spaces, instead of 14 (Section 54.2, and Schedule 1).

**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.

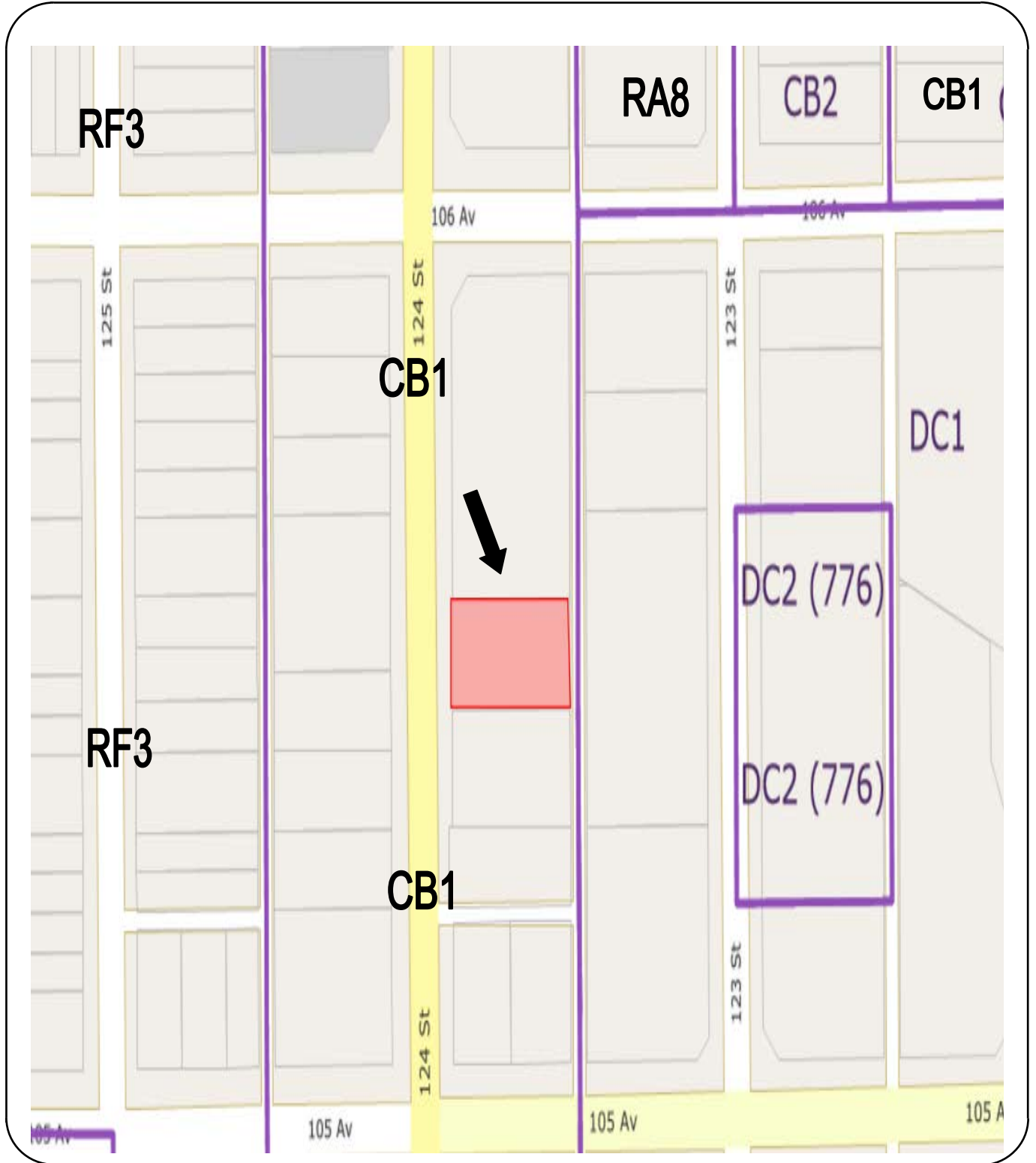
Issue Date: Dec 12, 2017    Development Authority: WELCH, IMAI

Signature: \_\_\_\_\_

Notice Period Begins: Dec 19, 2017    Ends: Jan 09, 2018

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$500.00	\$500.00	04524525	Oct 13, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$500.00	\$500.00		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-018



ITEM II: 1:00 P.M.

FILE: SDAB-S-18-001

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 267660433-001

APPLICATION TO: Create one (1) additional Single Detached Residential Lot

DECISION OF THE SUBDIVISION AUTHORITY: Refused

DECISION DATE: December 21, 2017

DATE OF APPEAL: January 3, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10719 - 130 Street NW

LEGAL DESCRIPTION: Plan 4311HW Blk 27 Lot 16

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

***Grounds for Appeal***

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

The subdivision of the lots will not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land since there is no impact to any side yards or lanes the only affect would be the livable space of the actual build which is appropriate for a livable home.

The total lot dimensions are aligned with the subdivision guidelines as each property is 312.564 M.

One of the skinny homes will be occupied by us the owners.

Spoke to the President of the Westmount Community league and they support the building of skinny homes in the area especially on 130st.

***General Matters***

**Appeal Information:**

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

**Appeals**

**678(1)** The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school board with respect to
  - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
  - (ii) the location of school reserve allocated to it, or
  - (iii) the amount of school reserve or money in place of the reserve.

**(2)** An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

- (a) with the Municipal Government Board
  - (i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the Public Lands Act,
  - (ii) if the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, or

(iii) in any other circumstances described in the regulations under section 694(1)(h.2),

or

(b) in all other cases, with the subdivision and development appeal board.

**(2.1)** Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

**(3)** For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

**(4)** A notice of appeal under this section must contain

(a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and

(b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

**(5)** If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

### **Hearing and decision**

**680(1)** The board hearing an appeal under section 678 is not required to hear from any person or entity other than

(a) a person or entity that was notified pursuant to section 679(1), and

(b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons' behalf.

**(1.1)** For the purposes of subsection (1), "adjacent land" and "owner" have the same meanings as in section 653.

**(2)** In determining an appeal, the board hearing the appeal



- (a) must act in accordance with any applicable ALSA regional plan;
- (a.1) must have regard to any statutory plan;
- (b) must conform with the uses of land referred to in a land use bylaw;
- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

**Approval of application**

**654(1)** A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

**(1.1)** A decision of a subdivision authority must state

- (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and

- (b) if an application for subdivision approval is refused, the reasons for the refusal.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

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

Section 110.4(1)(b) states the following with respect to Site regulations for Single Detached Housing:

- b. the minimum Site Width shall be 7.5 m.

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

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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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Subdivision Authority

7th Floor, Edmonton Tower  
10111 – 104 Avenue NW  
Edmonton, Alberta T5J 0J4

December 21, 2017

File No. LDA17-0663

RE: Tentative plan of subdivision to create one (1) additional single detached residential lot from Lot 16, Block 27, Plan 4311 HW, located north of 107 Avenue NW and east of 130 Street NW;  
**WESTMOUNT**

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**The Subdivision by Plan is REFUSED on December 21, 2017 for the following reason:**

1. The proposed subdivision does not comply with the minimum Development Regulations identified in Section 110.4(1) of the City of Edmonton Zoning Bylaw. The minimum site width identified in the (RF1) Single Detached Residential Zone for permitted uses is 7.5 metres. The site width of proposed Lot 16 is 7.32 metres and is therefore deficient by 0.18 metres.

Please be advised that an appeal may be lodged in accordance to Section 678 of the Municipal Government Act with the Subdivision and Development Appeal Board, 10019 – 103 Avenue NW, Edmonton Alberta, T5J 0G9, within 14 days from the date of the receipt of this decision. The date of receipt of the decision is deemed to be seven (7) days from the date the decision is mailed.

If you have further questions, please contact Marco Beraldo at marco.beraldo@edmonton.ca or 780-496-6092.

Regards,

A handwritten signature in blue ink, appearing to read 'Blair McDowell'.

Blair McDowell  
Subdivision Authority

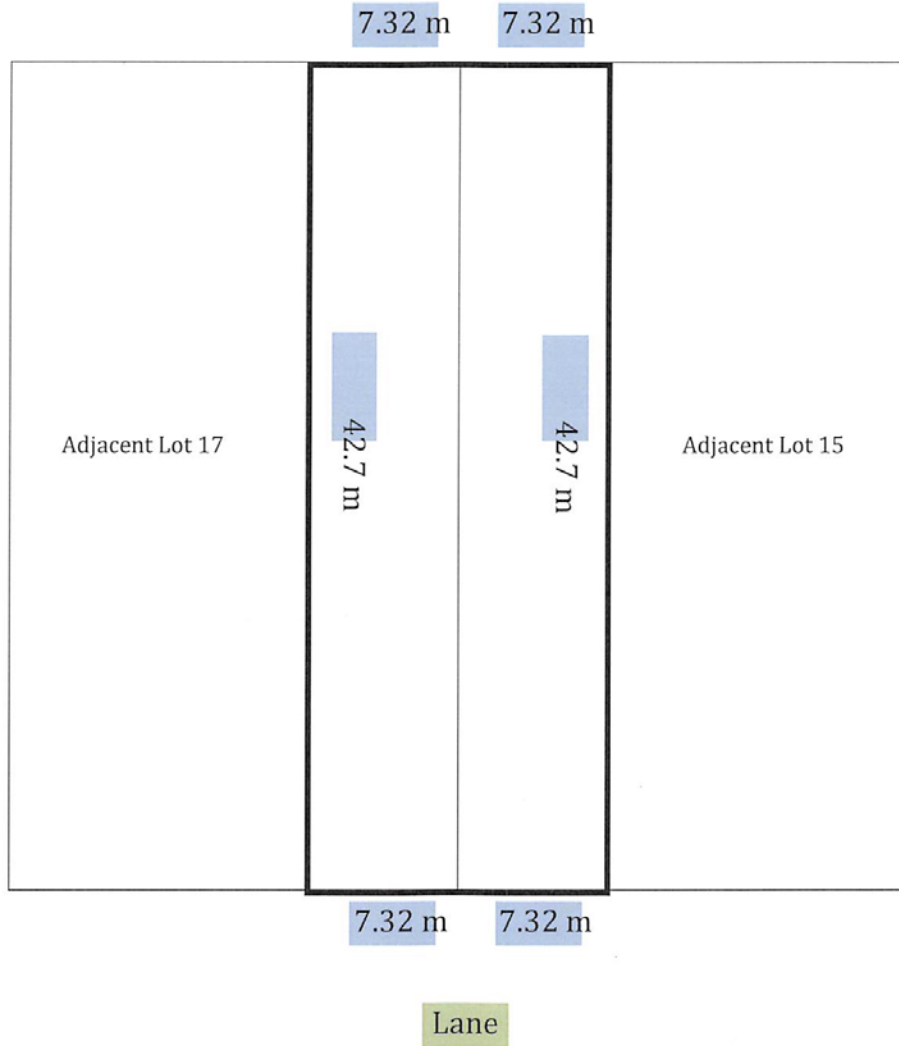
BM/mb/Posse #267660433-001

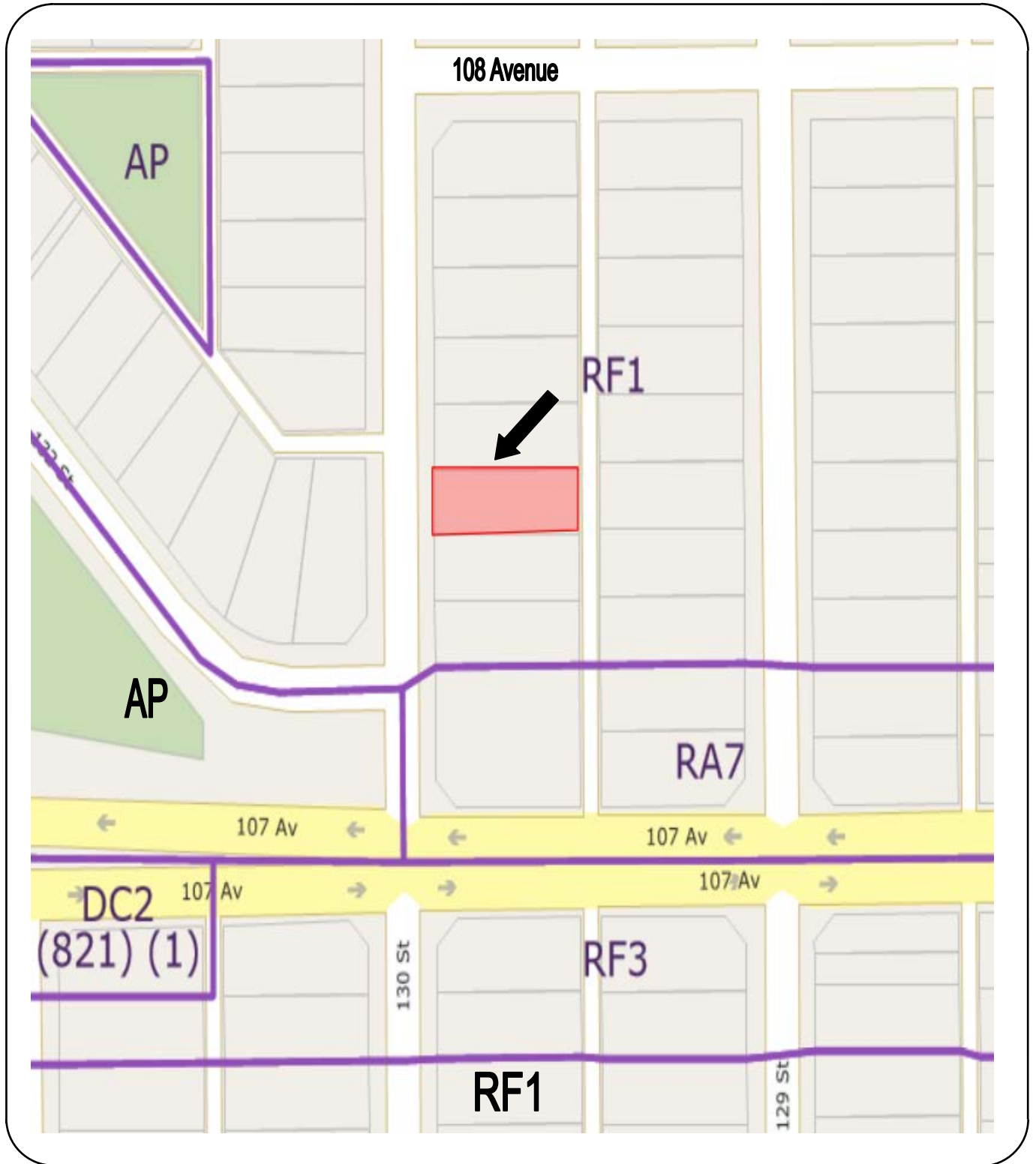
Enclosures

**Tentative Plan of Proposed Subdivision**  
**Legal Description (Lot 16, Block 27, Plan 4311 HW)**



10719  
130 St  
Avenue  
→to 108 Ave





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-S-18-001

