

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 3, 2019**

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

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

I	9:00 A.M.	SDAB-D-19-001	Develop a Cannabis Retail Sales 7223 - 101 Avenue NW, Project No.: 296200574-001
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II	11:00 A.M.	SDAB-D-19-002	Construct a Single Detached House with a rear attached Garage, Uncovered Front Porch, front and rear covered patios, fireplace and Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and rear Accessory Building 13608 - 110 Avenue NW Project No.: 283561303-001
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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-19-001

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 296200574-001

APPLICATION TO: Develop a Cannabis Retail Sales

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 7, 2018

DATE OF APPEAL: December 9, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7223 - 101 Avenue NW

LEGAL DESCRIPTION: Plan 6083KS Blk 14A Lot 5A
Plan 6083KS Blk 14A Lot 5

ZONE: (CSC) Shopping Centre Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I wish to appeal the refusal of the Development Authority for the reason that the proposed Cannabis Retail Store does not comply with the minimum setback requirement from a public education facility. The deficiency of required vs proposed is only 2 metres. Section 105 (3) of the Gaming, Liquor and Cannabis Regulations states that a premise described in a cannabis licence may not have any part of an exterior wall that is located within 100 metres of (b) a building containing a school or a boundary of a parcel of land on which the building is located. This premise has a separation distance of 198 metres from the parcel of land which the school is built on, which is well over the required minimum distance of 100 metres. I would like to make a request that the board grant a variance in this unfortunate case.

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,

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

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis

licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 320.2(3), **Cannabis Retail Sales** is a **Permitted Use** in the (CSC) Shopping Centre Zone.

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

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

Under section 6.1, **Cannabis** means:

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

a. Cannabis includes:

i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not,

other than a part of the plant referred to in subsection (b) of this definition.

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

Under section 7.8(9), **Private Education Services** means:

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

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

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

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

Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is “to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.”

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

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

Section 70 - Cannabis Retail Sales regulations

1. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:
 - a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;
 - b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and
 - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)b shall be issued as a Class B Discretionary Development.

2. **Any Site containing a Cannabis Retail Sales shall not be located less than 200 m from any Site being used for a public library, or for public or private education at the time of the application for the Development Permit for the Cannabis Retail Sales. For the purposes of this subsection only:**
 - a. **the 200 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;**
 - b. the term "public library" is limited to the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries; and
 - c. **the term "public or private education" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools.**

3. Any Site containing a Cannabis Retail Sales shall not be located less than 100 m from any Site being used for Community Recreation Services Use, a community recreation facility, a provincial health care facility, as public lands, or any Site that is designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales. For the purposes of this subsection only:
 - a. the 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
 - b. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
 - c. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
4. **Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2) or 70(3).**
5. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the development officer, including the following requirements:
 - a. customer access to the store is limited to a store front that is visible from the street other than a Lane, or a shopping centre parking lot, or a mall access that allows visibility from the interior of the mall into the store;
 - b. the exterior of all stores shall have ample transparency from the street;
 - c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
 - d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.
6. The Development Officer shall impose a condition on any Development Permit issued for Cannabis Retail Sales requiring that the development:

- a. shall not commence until authorized by and compliant with superior legislation; and
 - b. must commence within nine (9) months of the date of approval of the Development Permit.
7. For the purposes of Section 70(6), development commences when the Cannabis Retail Sales Use is established or begins operation.

Development Officer's Determination


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

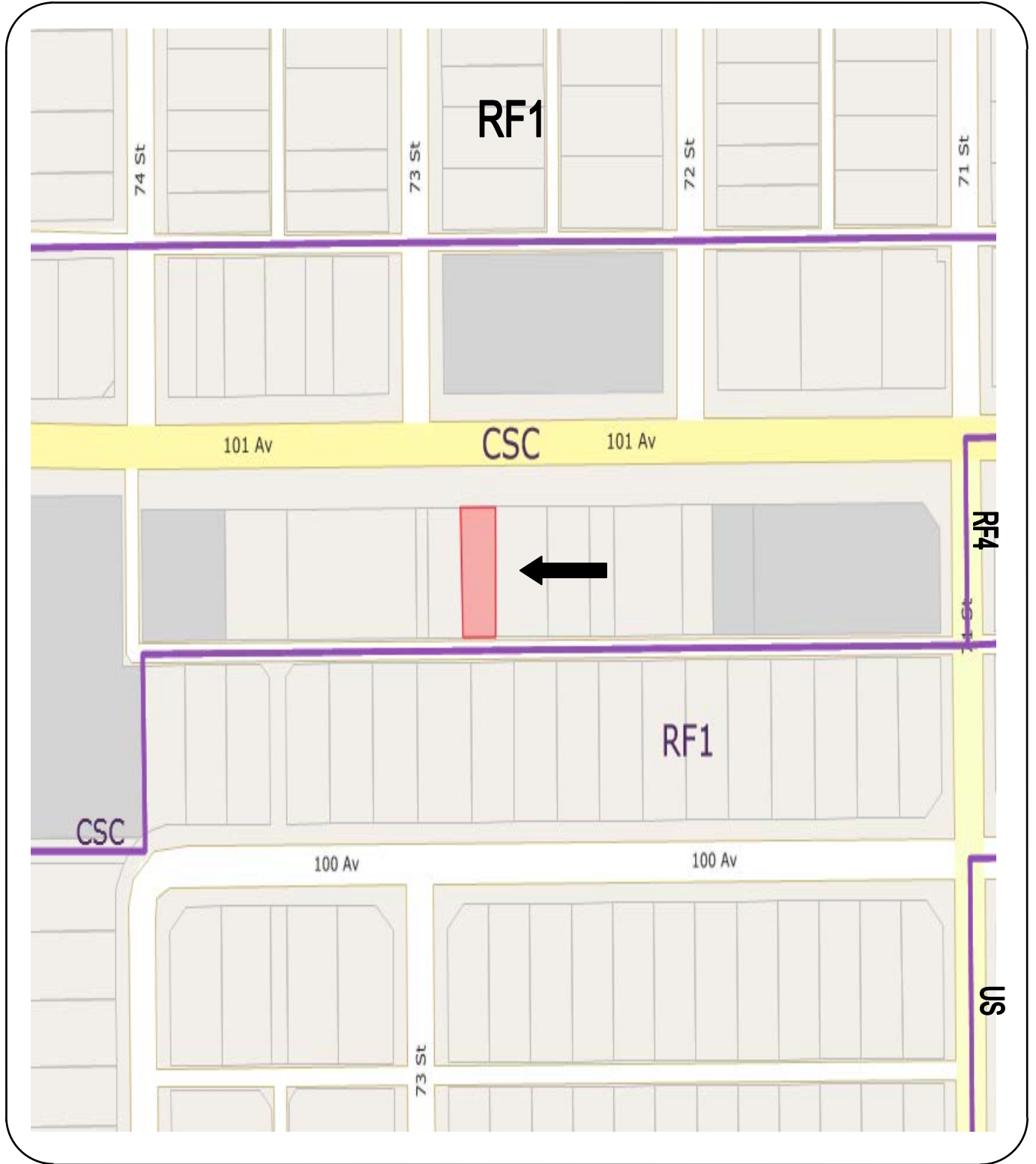
**Required Setback: 200m
Proposed Setback: 198m
Deficient by 2m**

Under Section 70.4 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store. [unedited]

Notice to Applicant/Appellant

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

	Project Number: 296200574-001 Application Date: OCT 26, 2018 Printed: December 10, 2018 at 12:26 PM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Major Development Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
Applicant	Property Address(es) and Legal Description(s) 7223 - 101 AVENUE NW Plan 6083KS Blk 14A Lot 5A 7223 - 101 AVENUE NW Plan 6083KS Blk 14A Lot 5 Specific Address(es) Building: 7223 - 101 AVENUE NW																				
Scope of Application To develop a Cannabis Retail Sales.																					
Permit Details																					
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Main Street Overlay																				
I/We certify that the above noted details are correct. Applicant signature: _____																					
Development Application Decision Refused Issue Date: Dec 07, 2018 Development Authority: WELCH, IMAI Reason for Refusal The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a public education facility (Caraway School) (Section 70.2): Required Setback: 200m Proposed Setback: 198m Deficient by 2m Under Section 70.4 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.																					
Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																					
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: right;">Receipt #</th> <th style="width: 10%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$5,600.00</td> <td style="text-align: right;">\$5,600.00</td> <td style="text-align: right;">05450532</td> <td style="text-align: right;">Oct 31, 2018</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$5,600.00</td> <td style="text-align: right; border-top: 1px solid black;">\$5,600.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$5,600.00	\$5,600.00	05450532	Oct 31, 2018	Total GST Amount:	\$0.00				Totals for Permit:	\$5,600.00	\$5,600.00		
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THIS IS NOT A PERMIT																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-001



ITEM II: 11:00 A.M.

FILE: SDAB-D-19-002

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

APPELLANT:

APPLICATION NO.: 283561303-001

APPLICATION TO: Construct a Single Detached House with a rear attached Garage, Uncovered Front Porch, front and rear covered patios, fireplace and Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and rear Accessory Building

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 9, 2018

DATE OF APPEAL: December 8, 2018

NOTIFICATION PERIOD: November 20, 2018 through December 11, 2018

RESPONDENT: C. Wagner

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13608 - 110 Avenue NW

LEGAL DESCRIPTION: Plan 3624HW Blk 9 Lot 52

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:

The City has approved this development permit with a variance allowing a rear attached garage despite being explicitly not allowed in the Mature Neighborhood Overlay (i.e. Attached Garage - The rear Garage is allowed to be attached, instead of detached (Section 814.3.19)).

Comments for your Consideration on the Proposed Development at 13608 110 Avenue NW

As a homeowner who has not instigated any zoning action, but is just trying to enjoy their established property, it seems very backward that I am forced to pay a fee and file an appeal asking the City to enforce their own bylaws. It is akin to having to appeal and pay the police an extra fee to enforce the speeding laws on the street in front of your house. We pay a lot of taxes (over \$7,300 annually) to the City so that they provide basic services, including enforcing bylaws. They have failed to meet this obligation.

People research zoning and site requirements before purchasing property in a neighbourhood ... looking for a situation that is compatible with their requirements. The existing mature neighborhood overlay prohibits certain structural elements specifically including rear attached garages. This is clear. Zoning bylaws exist to maintain the neighbors' enjoyment of their properties. If these bylaws are bypassed, we will lose some of the enjoyment of our property.

There was no good reason to accept this proposal and every reason to uphold the current zoning bylaws and reject the proposal. However, the City has ignored the current Established Neighborhood Overlay zoning which explicitly states that rear attached garages are not allowed, and gone ahead despite this neighbor's concerns, and approved this exception. With the City's approval of this rear attached garage we also believe it could devalue our property as the West view will be of a plain garage wall instead of green space.

The home at 13604 110 Avenue NW (our home) has a number of West facing windows that look out over green backyards that are common among all homes in the neighborhood. Our home (13604) was custom designed and built 25 years ago to take advantage of the exterior exposures through placement of windows. We take a lot of pride in our house and yard and have lived in this neighborhood a long time, almost all of my life. The property has been landscaped and well kept along the West side of the lot (as is the entire lot and house) at a considerable expense and effort, in order to enhance our views. And as a matter of fact, the landscaping enhances everyone's views. In addition, the home has a back deck with a Western exposure. We live in our yard from the time the snow melts until it falls again. We take advantage of being outside in our beautiful yard every chance we get. We enjoy the views, green spaces and older neighborhoods, and this is why we choose to live here.

We, the owners of 13604, have the same concerns that any neighbor would have if this development were proposed to be built to the West of their well-established home. If the proposed development goes ahead against current zoning regulations, we, in our home at 13604, will experience the following negative consequences:

- The height of the proposed house (30 or so feet), being very close to the maximum allowed in the zoning, combined with the unusually tall back attached

garage walls (12 or so feet) would limit sunlight to the 13604 property. This may cause vegetation on the West side of 13604 lot to perish.

- The majority of the West facing windows at 13604 would no longer view green backyards, but would have the view blocked by a 12 or so foot tall, plain garage wall, that would also limit Western exposure sunlight into the house. We understand the applicant may include a window in this wall but the main point is looking at a wall is very different than looking at open green space.
- The back deck at 13604 West view would overlook a hard surface driveway and vehicles parked thereon. Although the residents of 13608 have an existing garage they consistently park their two vehicles and trailer on the street and their rear driveway. We are concerned that this practice will continue once their rear driveway is in direct view of our West facing windows, back deck, and yard as their current garage houses a third vehicle. In addition, the prevailing Westerly winds would carry vehicle noise and exhaust directly onto our backyard deck.
- We are worried that the Eastern side of 13608 will become a maintenance challenge for the residents at 13608 as it will not form part of the livable or visible (to them) yard and may therefore be an eyesore to 13604's main views. The residents at 13608 have stated that yardwork is not "their thing" and that they want a low maintenance yard, however large yards such as 13608 are incompatible with this. Experience has shown that they have neglected the East side yard, and there is evidence that demonstrates this neglect.

The argument that the applicant wants/needs an attached garage should not be considered. They moved into this house two years ago with the stated intention of building the proposed structure. They knew that rear attached garages were prohibited in the zoning bylaw. They could have moved into a community where attached garages were allowed. There was no need to move to a property where they had full knowledge of these zoning restrictions. In fact, they could still move to a new property where attached garages are permitted as they have not invested in upgrades to the property that they purchased a mere few years ago.

Although the applicant claims that they carried out "due diligence" by consulting the neighbors, it should be noted that they only consulted us after a finalized, detailed, complete set of plans had been developed and were ready to submit to the City for a Development Permit. This consultation came one week prior to their planned date of submission to the City. There didn't appear to be much intention of changing their plans after consulting with the neighbors. Little consideration appears to have been given to the affect on the neighboring properties and enjoyment thereof.

One has to ask why the garage is proposed to be on the East lot line? Why not on the West? The answer, of course, is that this structure would limit the applicant's enjoyment of their property were it to be built on the West side of their lot. The same consideration has not been given to the neighbors to the East. If the garage was detached and built to the rear of the property, we would all maintain our enjoyment of our yards; or if the garage were to be built attached on the West side of the applicant's lot, it would only affect their own views and sunlight access.

In addition, the applicant has taken the unusual step of placing the garage at an odd angle to their house. This is designed to maximize the enjoyment of their backyard but has a negative effect on the enjoyment of their neighbor to the East.

I asked the City on more than one occasion to explain their rationale in granting this development permit which clearly contravenes the zoning bylaw. They provided the following four reasons (*in italics*), but would not provide the related information:

1. *The applicant has provided a sunlight study report assessing the sunlight/daylight/overshadowing impact of the proposed development on the adjacent properties (your property and the property left of the subject site). The shadow path shows the impact to your property is minimal.*

I was not given the consideration of being able to view this sunlight study report so cannot comment on it directly. However, a sun study is first and foremost a theoretical simulation in which inaccurate modeling or development will introduce error into the study. One has to review these things with a critical mindset and not just accept them as fact. The sun travels in an arc from the East, through the Southern sky and sets in the West. Common sense tells you that a 30 foot high building along with a 12 or so foot high attached garage built to the Southwest and directly down the West side of our property will definitely shade our yard and house much more than the current situation.

2. *The development has been revised to meet all the development regulations except for the detached vs. attached garage. The driveway access is still via the alley.*

The rear attached garage which is prohibited in the bylaw is the exact thing that we oppose. If the rear attached garage were to be built on the West side of their property we would not be opposed.

3. *The need of the attached garage is for medical needs of a family member.*

In the several times that we talked to the applicant on this development they never mentioned any medical needs as a reason for a rear attached garage. I have not been privy to this medical need but have to assume the medical problem manifests itself when the family member takes the few outdoor steps from a house to a non-attached garage. The residents of 13608 are often outdoors so we remain perplexed as to this requirement unless it is a very recent development. However, if there is a medical need for an attached garage why would they have taken the risk to move into a neighborhood where this is not allowed?

4. *Majority of the community consultation feedback shows support of this development.*

This is almost non-sensical. Of course no one else in the community opposed this development as none of them are having a very tall house and garage built along the West side of their property. The development only affects one neighbor, namely us at 13604.

I expect that the easy thing for this board to do, is simply to do nothing. Instead I challenge you to exercise some common sense and uphold the bylaw. The applicant can build elsewhere where their design would be acceptable or build a modified design as

proposed above (garage on the West side of their own lot). In this way this board's decision would result in everyone with what they want/need and having full enjoyment of their properties.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(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 written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(5), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

Under Section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

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

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

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

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Rear attached Garages

Section 814.3(19) states "Rear attached Garages shall not be allowed."

Development Officer's Determination

Attached Garage - The rear Garage is allowed to be attached, instead of detached (Section 814.3.19). [unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure

that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(19) – Rear Attached Garage

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.

	<p>Project Number: 283561303-001 Application Date: MAY 29, 2018 Printed: November 29, 2018 at 9:09 AM Page: 1 of 3</p>		
<h2 style="margin: 0;">Minor Development Permit</h2>			
<p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.</p>			
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 13608 - 110 AVENUE NW Plan 3624HW Blk 9 Lot 52</p> <p>Specific Address(es) Suite: 13608 - 110 AVENUE NW Entryway: 13608 - 110 AVENUE NW Building: 13608 - 110 AVENUE NW</p>		
<p>Scope of Permit To construct a Single Detached House with a rear attached Garage, Uncovered Front Porch, front and rear covered patios, fireplace and Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and rear Accessory Building.</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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<p>I/We certify that the above noted details are correct. Applicant signature: _____</p>			
<p>Development Permit Decision Approved Issue Date: Nov 09, 2018 Development Authority: LAI, ECHO</p>			



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Minor Development Permit

Subject to the Following Conditions

NOTE: 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.

The development shall be constructed in accordance with the stamped and approved drawings.

WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2)

The maximum Height shall not exceed 8.9m, in accordance with Section 52 of the Edmonton Zoning Bylaw 12800.

Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties. (Reference Section 814.3(9))

Parking requirement shall in compliance with Section 54 of the Zoning Bylaw.

Landscaping shall be installed and maintained in accordance with Section 55.

All Yards visible from a public roadway, other than a Lane, shall be seeded or sodded. Seeding or sodding may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens (Reference Section 55).

Frosted or opaque glass treatment shall be used on windows to minimize overlook into adjacent properties (Reference Section 814.3 (8)).

The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.

The proposed Basement development(s) shall NOT be used as an additional Dwelling. An additional Dwelling shall require a separate Development Permit application.

The proposed wetbar in the Basement shall only be used by the household which uses the principal kitchen on the main floor.

- Dwelling means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household. (Reference Section 6.1)

- Household means: one or more persons related by blood, adoption, foster care, marriage relationship; or a maximum of three unrelated persons; all living together as a single social and economic housekeeping group and using cooking facilities shared in common. For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative (Reference Section 6.1).

- i.) No lockable doors shall be installed that physically separates the main floor and basement.
- ii.) There may be an inspection in the future to ensure that no illegal suite has been developed.
- iii.) This development permit shall be revoked if the conditions of this permit are not met.

ADVISEMENTS:

Any future subdivision which causes building(s) or use(s) on the Site to not comply with the Edmonton Zoning Bylaw shall require separate Development Permit(s).

Any future deck/landing development greater than 0.6m (2ft) in Height and greater than 1.5m² in size will require development and



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building permit approvals

Any future deck enclosure or cover requires a separate development and building permit approval.

Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Lot Grading at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

The driveway access must maintain a minimum clearance of 1.5 m from the service pedestal and all other surface utilities. The applicant or property owner is responsible for the location of all underground and above ground utilities and maintaining the required clearance as specified by the utility companies. Alberta One-Call, Shaw, and Telus should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with the relocation or removal of the service pedestal shall be at the expense of the applicant or property owner.

The applicant is advised to research the Land Title for this property and to be aware of any restrictions in the Restrictive Covenant. This approval does not imply consent for any structure that does not meet the requirements of the Restrictive Covenant.

Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

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

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Variances

Attached Garage - The rear Garage is allowed to be attached, instead of detached (Section 814.3.19).

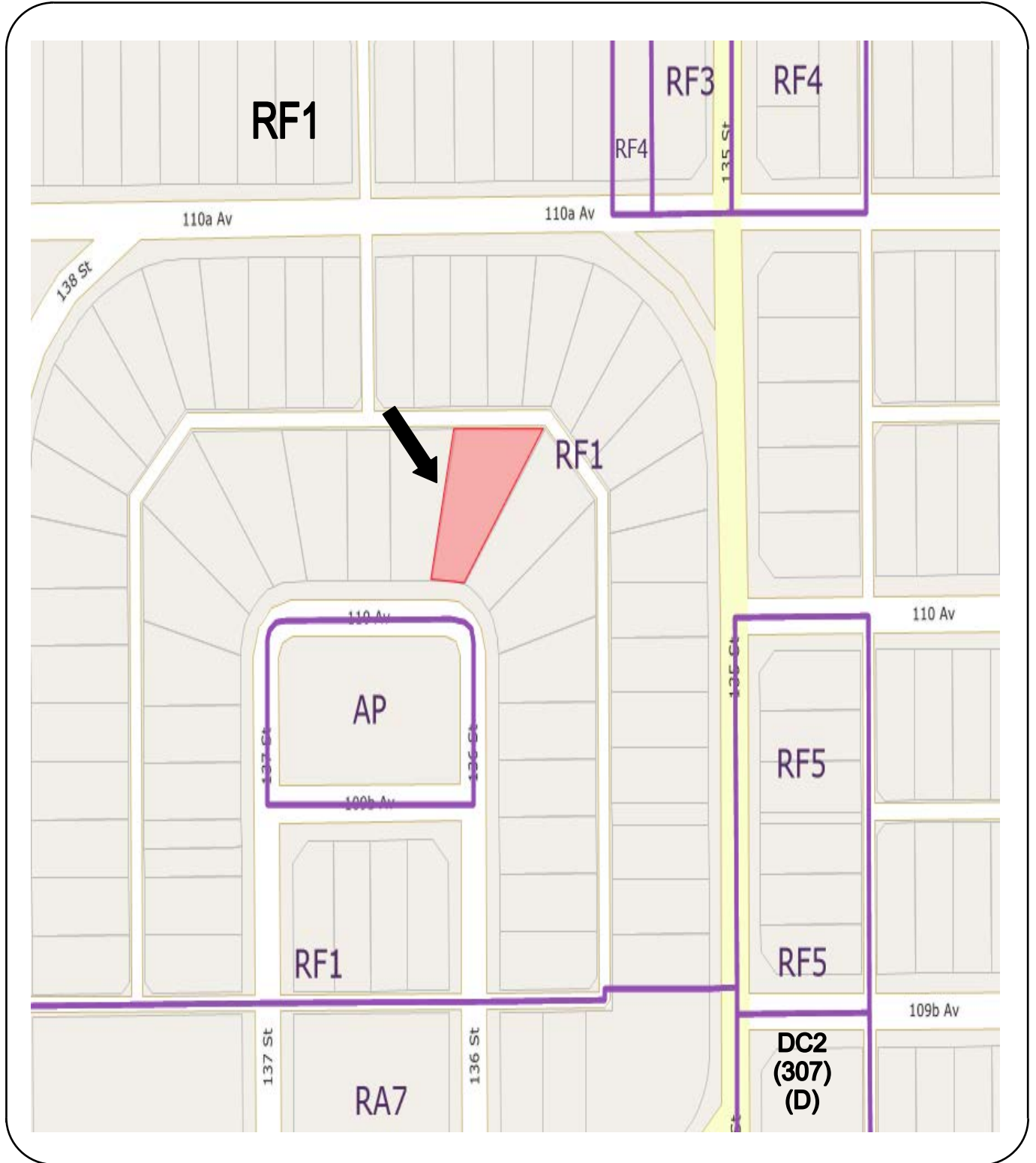
Rights of Appeal

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

Notice Period Begins: Nov 20, 2018 **Ends:** Dec 11, 2018

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$204.00	\$204.00	05059255	May 29, 2018
Dev. Application Fee	\$485.00	\$485.00	05059255	May 29, 2018
Lot Grading Fee	\$143.00	\$143.00	05059255	May 29, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$832.00	\$832.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-002

