

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
January 11, 2017**

**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-16-292	Change the Use of a General Retail Store to a Major Alcohol Sales 14203 - 23 Avenue NW Project No.: 230719333-001
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II	11:00 A.M.	SDAB-D-17-004	Construct 5 Dwellings of Apartment Housing and to demolish the existing Single Detached House 10916 - University Avenue NW Project No.: 184079601-001
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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-16-292

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 230719333-001

ADDRESS OF APPELLANT: 14203 - 23 Avenue NW

APPLICATION TO: Change the Use of a General Retail Store to a Major Alcohol Sales

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 14, 2016

DATE OF APPEAL: October 24, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14203 - 23 Avenue NW

LEGAL DESCRIPTION: Plan 0220792 Blk 70 Lot 89

ZONE: CSC Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: Terwillegar Towne Neighbourhood Area Structure Plan

Grounds for Appeal

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

We are the solicitors for Vishal Aggarwal, the Applicant in the above noted matter. Our client's Development Permit to change the use of a General Retail Store to a Major Alcohol Sales Use has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. While the titled parcel on which the proposed development is situate is less than 2.0 hectares in area, rendering the proposed development a discretionary use, that parcel is part of a larger commercial site on which the proposed development represents a Permitted Use.

2. The proposed development is sufficiently separated from the nearest similar development.
3. The proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
4. Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

The decision of the Development Officer is dated October 14, 2016. The Notice of Appeal was filed on October 24, 2016.

Determining an Appeal

Hearing and decision

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

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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*:

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.

Under Section 320.3(12), **Major Alcohol Sales, on a Site of 2 ha or larger** is a **Discretionary Use** in the CSC Shopping Centre Zone.

Section 7.2(28) states:

Major Alcohol Sales, means development used for the retail sales of any and all types of alcoholic beverages to the public where the Floor Area for the individual business premises is greater than 275 m². This Use Class may include retail sales of related products such as soft drinks and snack foods.

Separation Distance

Section 85(3) states:

85. Major and Minor Alcohol Sales

Major and Minor Alcohol Sales shall comply with the following regulations:

...

3. any Major or Minor Alcohol Sales Use shall not be located closer than 500.0 m from any other Major or Minor Alcohol Sales Use. For the purposes of this subsection only:

- a. the 500.0 m separation distance shall be measured from the closest point of the Major or Minor Alcohol Sales Use to the closest point of any other existing or approved Major or Minor Alcohol Sales Use; and
- b. if there are two or more Major or Minor Alcohol Sales Uses lawfully operating within 500 m of each other as of the date of the enactment of this Section they shall be considered legal non-conforming uses.

Development Officer’s Determination

Required Separation Distance: 500m

Proposed: Major Alcohol Sales is 189m away from a Major Alcohol Sales (DP: 000939564-008) and 266m away from another Major Alcohol Sales (DP: 178898250-001)

Deficient by: 311m and 234m from Major Alcohol Sales [unedited]

Separation Distance

Section 54.2 Schedule 1 – Vehicular Parking Requirement provides as follows:

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Non-residential Use Classes	
Commercial Use Classes	
20. Major Alcohol Sales	1 parking space per 23.3 m ² of Floor Area

Development Officer's Determination

Total On-Site Required Parking: 217 spaces
Total On-Site Parking: 207 spaces
Deficient by: 10 spaces [unedited]

Crime Prevention Through Environmental Design Criteria

Section 85(7) provides as follows:

7. the Development Officer may consider Crime Prevention Through Environmental Design Criteria by ensuring:
 - a. the exterior of all stores have ample glazing from the street to allow natural surveillance;
 - b. exterior lighting should be in accordance with the minimum safety standards prescribed by the Illuminating Engineers Society;
 - c. any landscaping around the facilities be low-growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance;
 - d. no customer parking is in behind a facility and that all parking areas in front of the building be well-lighted; and
 - e. customer access to the store is limited to a store front that is visible from the street, shopping centre parking lot or a mall access that allows visibility from the interior.

Development Officer's Determination



3) The proposed development does meet the Crime Prevention Through Environmental Design Criteria of Section 85 to the satisfaction of the Development Officer, in particular:

Section 85(7)(d) - there is customer parking behind the facility addition to parking areas in front of the building. No lighting plan has been provided by the applicant.

Section 85(7)(e) - ensuring that customer access to the store is limited to a store front visible from the shopping centre parking lot that allows visibility from the interior. The floor plan submitted shows an exit to the rear of the building that has no visibility from the shopping centre parking lot. [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. 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: 230719333-001 Application Date: SEP 15, 2016 Printed: December 20, 2016 at 10:16 AM Page: 1 of 2		
<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) 14203 - 23 AVENUE NW Plan 0220792 Blk 70 Lot 89 Specific Address(es) Suite: 14211 - 23 AVENUE NW Entryway: 14211 - 23 AVENUE NW Building: 14211 - 23 AVENUE NW		
Scope of Application To change the Use of a General Retail Store to a Major Alcohol Sales			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 281.58 New Sewer Service Required: N Site Area (sq. m.): </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 281.58 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 281.58 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused			
THIS IS NOT A PERMIT			



Project Number: **230719333-001**
 Application Date: SEP 15, 2016
 Printed: December 20, 2016 at 10:16 AM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

1) Any Major or Minor Alcohol Sales Use shall not be located closer than 500.0 m from any other Major or Minor Alcohol Sales Use. For the purposes of this subsection only: the 500.0 m separation distance shall be measured from the closest point of the Major or Minor Alcohol Sales Use to the closest point of any other existing or approved Major or Minor Alcohol Sales Use

Required Separation Distance: 500m
 Proposed: Major Alcohol Sales is 189m away from a Major Alcohol Sales (DP: 000939564-008) and 266m away from another Major Alcohol Sales (DP: 178898250-001)
 Deficient by: 311m and 234m from Major Alcohol Sales

2) Off-street parking shall be provided in accordance to Section 54.2 Schedule 1 of the Edmonton Zoning Bylaw 12800.

Total On-Site Required Parking: 217 spaces
 Total On-Site Parking: 207 spaces
 Deficient by: 10 spaces

3) The proposed development does meet the Crime Prevention Through Environmental Design Criteria of Section 85 to the satisfaction of the Development Officer, in particular:

Section 85(7)(d) - there is customer parking behind the facility addition to parking areas in front of the building. No lighting plan has been provided by the applicant.

Section 85(7)(e) - ensuring that customer access to the store is limited to a store front visible from the shopping centre parking lot that allows visibility from the interior. The floor plan submitted shows an exit to the rear of the building that has no visibility from the shopping centre parking lot.

Rights of Appeal

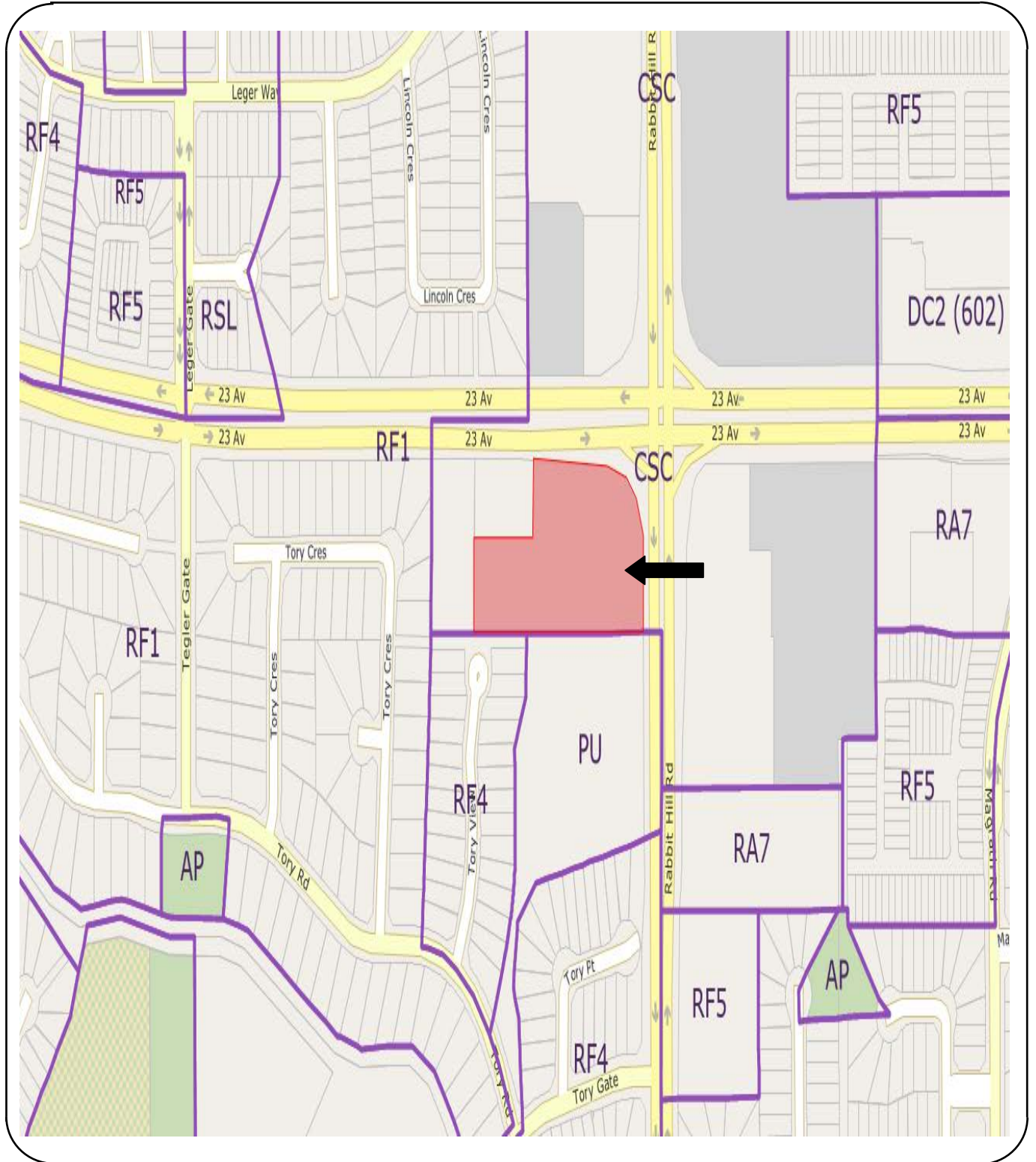
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Oct 14, 2016 Development Authority: CHAN, CALVIN Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$323.00	\$323.00	03606264	Sep 15, 2016
DP Notification Fee	\$102.00	\$102.00	03606264	Sep 15, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$425.00	\$425.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-292



ITEM II: 11:00 A.M.

FILE: SDAB-D-17-004

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

APPELLANT:

APPLICATION NO.: 184079601-001

ADDRESS OF APPELLANT: 10928 University Avenue NW

APPLICATION TO: Construct 5 Dwellings of Apartment Housing and to demolish the existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 6, 2016

DATE OF APPEAL: December 14, 2016

RESPONDENT: BM Homes

ADDRESS OF RESPONDENT: 10916 - University Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10916 - University Avenue NW

LEGAL DESCRIPTION: Plan I23 Blk 139 Lot 5

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

Grounds for Appeal

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

The proposed site area is nearly half of the size of the previously allowed site area for a building of this size.

The proposed site width is nearly half of the size of the previously allowed site width for a building of this size.

A front common area will take away from the quiet appeal of the neighborhood.

Parking in this neighborhood is a huge issue, there is only parking on one side of the avenue the majority of the way down the block. To approve an apartment building that does not include at least one space per unit is preposterous. Essentially if each unit were to house two people who each had a vehicle you would see an extra 7 vehicles added to an already overcrowded street.

Outlined in the developers proposal they stated that they hoped that the tenants would utilize public transportation as a remedy for the lack of parking stalls. This hardly seems like a viable solution to a problem with this development permit that was seemingly overlooked. [unedited]

<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.

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,

...

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

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.2 Class B Development

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land;
 - c. the President of each Community League; and
 - d. the President of each Business Revitalization Zone.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

The decision of the Development Officer is dated December 6, 2016. Notice of the development was published in the *Edmonton Journal* on December 13, 2016. The Notice of Appeal was filed on December 14, 2016.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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*:

Section 210.1 states that the **General Purpose** of the **RA7 Low Rise Apartment Zone** is “To provide a Zone for Low Rise Apartments.”

Under Section 210.2(1), **Apartment Housing** is a **Permitted Use** in the RA7 Low Rise Apartment Zone.

Section 7.2(1) states:

Apartment Housing means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is:

... to accommodate the development of medium-scale infill housing in Edmonton’s mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Medium Scale Residential Infill Overlay Community Consultation

Section 823.3(6)(b) of the Medium Scale Residential Infill Overlay provides as follows:

Where an application for a Development Permit does not comply with the regulations contained in this Overlay:

- i. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League, at least 21 days prior to submission of a Development Application;
- ii. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- iii. the applicant shall document any opinions or concerns expressed by the affected parties, and what modifications were made to address their concerns; and
- iv. the applicant shall submit this documentation as part of the Development Application.

Minimum Site Area

Section 210.4(2) states: “The minimum Site Area shall be 800 m2.”

Development Officer’s Determination

- 1. Site Area - The area of the site is 458 m2 instead of 800m2 (Section 210.4(2)). [unedited]

Site Width

Section 210.4(3) states: “The minimum Site Width shall be 20.0 m.”

Development Officer’s Determination

- 2. Site Width - The width of the site is 10.06m instead of 20.0m (Section 210.4(3)). [unedited]

Reduced Side Setbacks

Section 823.3(1)(d) states:

The minimum Side Setback shall be 3.0 m. except as provided in subsection 823.3(1)(e). Where the Side Yard abuts an arterial road, the minimum Side Setback shall be 4.5 m. Separation Space and Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Side Setback requirements, except where a Principal Living Room Window faces an interior Side Yard.

Development Officer's Determination

3. Reduced Side Setback - The distance from the house to the property line shared with **10920 - University Avenue NW** (side lot line) is 2.0m instead of 3.0m (Section 823.3(1)(d)).

4. Reduced Side Setback - The distance from the house to the property line shared with **10912 - University Avenue NW** (side lot line) is 2.0m instead of 3.0m (Section 823.3(1)(d)). [emphasis added to distinguish between the two side lot lines]

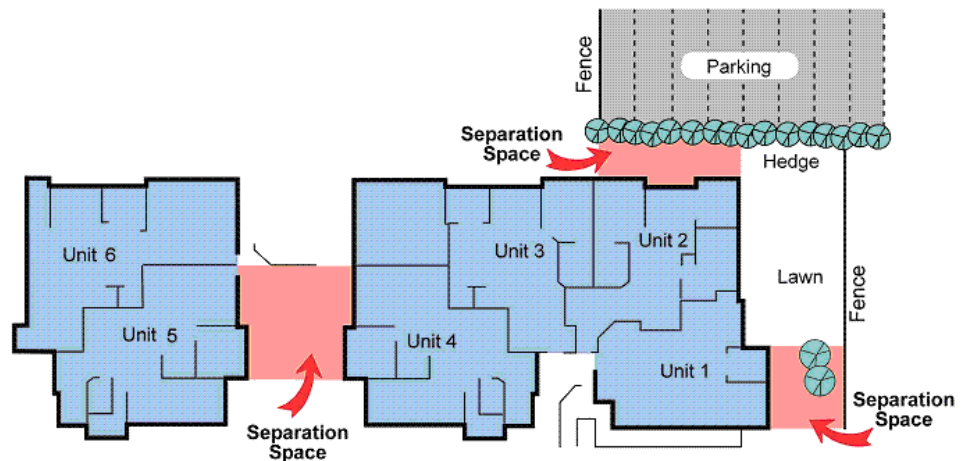
Separation Space from Principal Living Room Window

Section 48.2(1) states: "In front of a Principal Living Room Window, a Separation Space, with a minimum depth of 7.5 m or half the Height of any wall opposite the said Window, whichever is greater, to a maximum of 10.0 m shall be provided."

Section 6.1(77) states: "**Principal Living Room Windows** means the main or largest glazed area of a Living Room".

Section 6.1(91) states:

Separation Space means open space around Dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation Space is not a Yard;



Development Officer’s Determination

5. Separation Space - The distance from Principal Living Room Windows to the property line shared with 10920 – University Avenue NW (side lot line) is 2.0m instead of 7.5m (Section 48.2(1)).

Separation Space from Habitable Room Window

Section 823.3(1)(d) states:

The minimum Side Setback shall be 3.0 m. except as provided in subsection 823.3(1)(e). Where the Side Yard abuts an arterial road, the minimum Side Setback shall be 4.5 m. *Separation Space and Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Side Setback requirements, except where a Principal Living Room Window faces an interior Side Yard. [emphasis added]*

Development Officer’s Determination

6. Separation Space - The distance from Habitable Room windows to the property line shared with 10912 - University Avenue NW (side lot line) is 2.0m instead of 3.0m (Section 823.3(d)).

Private Outdoor Amenity Area

Section 823.3(3)(a) states:

A minimum Private Outdoor Amenity Area of 7.5 m² shall be provided for each Apartment Housing Dwelling except that for ground Storey Dwellings a minimum of 15.0 m² of Private Outdoor Amenity Area shall be provided.

Development Officer's Determination

7. Private Outdoor Amenity Area - Required Private Outdoor Amenity Area (37.5 m²) is not provided but communal outdoor Amenity Area (approx. 30 m²) is provided in replacement (Section 823.3(3)).

Front Entrance

Section 823.3(2)(c)(iii) states:

Architectural treatment of all facades of the building shall create a unified building exterior. The building shall incorporate design elements to reduce the perceived mass and add architectural interest, including but not limited to:

...

iii. a prominent front entrance for Apartment Housing.

Development Officer's Determination

8. Prominent Front Entrance - The main entrance faces the side instead of the front (Section 823.3(2)(c)).

Private Exterior Entrances

Section 823.3(2)(a) states:

All ground Storey Apartment Dwellings adjacent to a public roadway other than a Lane shall have a private exterior entrance that fronts onto the roadway. Sliding patio doors shall not serve as this entrance.

Development Officer's Determination

9. Private Exterior Entrances - Ground storey units do not have private exterior entrances that front onto the roadway. There is only the one shared entrance for the building (Section 823.3(2)(a)).

Parking

Section 54.2 Schedule 1 – Vehicular Parking Requirement provides as follows:

Schedule 1(A) Areas outside of the Downtown Special Area					
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required				
Residential and Residential-Related Uses					
1. Apartment Housing		Minimum	Maximum	TOD minimum	TOD maximum
	Bed Sitting Room	1	N/A	0.7	1
	Bachelor Suite	1	N/A	0.7	1
	1 Bedroom Dwelling	1	N/A	0.8	1
	2 Bedroom Dwelling	1.5	N/A	1	1.5
	3 or more Bedroom Dwelling	1.7	N/A	1.25	1.75
	Visitor Parking	1 per 7 Dwellings	N/A	1 per 7 Dwellings	N/A
	<p>Where such Uses contain three or more dwelling units (or where Semi-Detached Housing, Duplex Housing, or Apartment Housing consisting of fewer than three dwelling units, comprise part of a Multi-Unit Project Development) and are located within 400 metres of an existing LRT station or a future LRT station with a Council-approved Concept Plan, within 400 metres of an existing Transit Centre or a future Transit Centre with a Council-approved Concept Plan, or within 100 metres of a Transit Avenue, the following minimum parking requirements and maximum parking requirements shall apply.</p> <p>The visitor parking must be readily available to an entrance of the building and be clearly identified as visitor parking.</p>				

Development Officer’s Determination

10. Parking - The site has 3 parking spaces, instead of 5 (Section 54.2 and Schedule 1).

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: **184079601-001**
Application Date: DEC 08, 2015
Printed: December 20, 2016 at 10:42 AM
Page: 1 of 5

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.

Applicant 	Property Address(es) and Legal Description(s) 10916 - UNIVERSITY AVENUE NW Plan I23 Blk 139 Lot 5
	Specific Address(es) Suite: 1, 10916 - UNIVERSITY AVENUE NW Suite: 101, 10916 - UNIVERSITY AVENUE NW Suite: 102, 10916 - UNIVERSITY AVENUE NW Suite: 201, 10916 - UNIVERSITY AVENUE NW Suite: 202, 10916 - UNIVERSITY AVENUE NW Entryway: 10916 - UNIVERSITY AVENUE NW Building: 10916 - UNIVERSITY AVENUE NW

Scope of Permit
To construct 5 Dwellings of Apartment Housing and to demolish the existing Single Detached House.

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): 377 New Sewer Service Required: Y Site Area (sq. m.): 458.65	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 2 Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Appealed to SDAB

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



Project Number: **184079601-001**
Application Date: DEC 08, 2015
Printed: December 20, 2016 at 10:42 AM
Page: 2 of 5

Major Development Permit

Subject to the Following Conditions

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW:

1. 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 55.8 of Edmonton Zoning Bylaw 12800;

2. The applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$4,024.00. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

3. The applicant or property owner shall pay a Notification fee of \$100.00.

CONDITIONS OF APPROVAL:

1. Immediately upon demolition of the building, the site shall be cleared of all debris.
2. All planting shall be installed to the finished grade. Where, in the opinion of the Development Officer, this is not practical, planters may be used. Such planters shall be of adequate design, having sufficient soil capacity and insulation to promote healthy growth.
3. Landscaping which extends onto or over City-owned lands shall be developed in accordance with the Boulevard Bylaw No. 7829, as amended.
4. Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals.
5. All fencing shall be installed entirely on or within property lines.
6. All fencing shall not impede any sightlines for vehicular or pedestrian traffic.
7. All fencing shall not exceed the height as approved in this permit.
8. The materials of the fence shall be similar to, or better than, the standard of surrounding development to the satisfaction of the Development Officer.
9. All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5) of the Zoning Bylaw.
10. Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 of the Zoning Bylaw and to the satisfaction of the Development Officer.
11. The off-street parking shall be hardsurfaced, drained and maintained in accordance to Section 54.6 of the Zoning Bylaw.
12. All required parking spaces shall only be used for the purpose of accommodating the vehicles of residents or visitors in connection with the building and the parking spaces shall not be used for commercial repair work, display, sale or storage of goods of any kind.

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



Project Number: **184079601-001**
 Application Date: DEC 08, 2015
 Printed: December 20, 2016 at 10:42 AM
 Page: 3 of 5

Major Development Permit

13. Parking spaces for the disabled shall be provided in accordance with the Alberta Building Code in effect at the time of the Development Permit application, for which no discretion exists, and be identified as parking spaces for the disabled through the use of appropriate signage, in accordance with Provincial standards.

14. In parking areas and similarly congested locations, curbs and other protective measures shall be used to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the Site or an adjacent Site.

15. Continuous raised or pre-cast curbing of not less than 100 mm in Height shall be provided adjacent to streets and required landscaped areas, 600 mm from the front of the parking stall. Concrete curb stops shall be placed to ensure that vehicles do not overhang boulevards, sidewalks, or required landscaped areas. Curbing shall also be required to clearly demarcate the required portion of driveway or parking space.

16. Where continuing curbs are used as wheel stops, the measured size of parking spaces shall be reduced 1.0 m in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by 1.0 m and such overhang areas must be clear of all obstructions (Signs, shrubs, trees, etc.) and shall not be regarded as a required landscaped area.

URBAN TRANSPORTATION CONDITIONS OF APPROVAL:

1. Access from the site to Alley exists. Any modification to the existing access requires the review and approval of Transportation Planning and Engineering.

2. 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) 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.

3. There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must contact to 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 Roadways (780-496-4960)

4. 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
- 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.

5. Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Planning and Engineering, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalks and boulevard will be inspected by Transportation Planning and Engineering prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

NOTES:

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

2. 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.

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



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Major Development Permit

3. 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.

4. Bicycle parking shall meet the requirements of the Zoning Bylaw.

5. This is a residential property and therefore falls under the City of Edmonton bylaw 13777, requiring the waste services is provided by the City of Edmonton.

6. This site with 5 units would receive hand collection pickup for both garbage and recycle. The dimensions and specification of the hand collection enclosure can be found on page #10 of the Waste Storage Guidelines. Information on some of the above requirements is available at http://www.edmonton.ca/residential_neighbourhoods/City_of_Edmonton_Waste_Storage_Requirements.pdf.

7. Signs require separate Development Applications.

8. The McKernan Neighbourhood is scheduled to undergo neighbourhood renewal in 2017. For more information visit:

Variances

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 of Edmonton Zoning Bylaw 12800.

1. Site Area - The area of the site is 458 m² instead of 800m² (Section 210.4(2)).
2. Site Width - The width of the site is 10.06m instead of 20.0m (Section 210.4(3)).
3. Reduced Side Setback - The distance from the house to the property line shared with 10920 - University Avenue NW (side lot line) is 2.0m instead of 3.0m (Section 823.3(1)(d)).
4. Reduced Side Setback - The distance from the house to the property line shared with 10912 - University Avenue NW (side lot line) is 2.0m instead of 3.0m (Section 823.3(1)(d)).
5. Separation Space - The distance from Principal Living Room Windows to the property line shared with 10920 - University Avenue NW (side lot line) is 2.0m instead of 7.5m (Section 48.2(1)).
6. Separation Space - The distance from Habitable Room windows to the property line shared with 10912 - University Avenue NW (side lot line) is 2.0m instead of 3.0m (Section 823.3(d)).
7. Private Outdoor Amenity Area - Required Private Outdoor Amenity Area (37.5 m²) is not provided but communal outdoor Amenity Area (approx. 30 m²) is provided in replacement (Section 823.3(3)).
8. Prominent Front Entrance - The main entrance faces the side instead of the front (Section 823.3(2)(c)).
9. Private Exterior Entrances - Ground storey units do not have private exterior entrances that front onto the roadway. There is only the one shared entrance for the building (Section 823.3(2)(a)).
10. Parking - The site has 3 parking spaces, instead of 5 (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.

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



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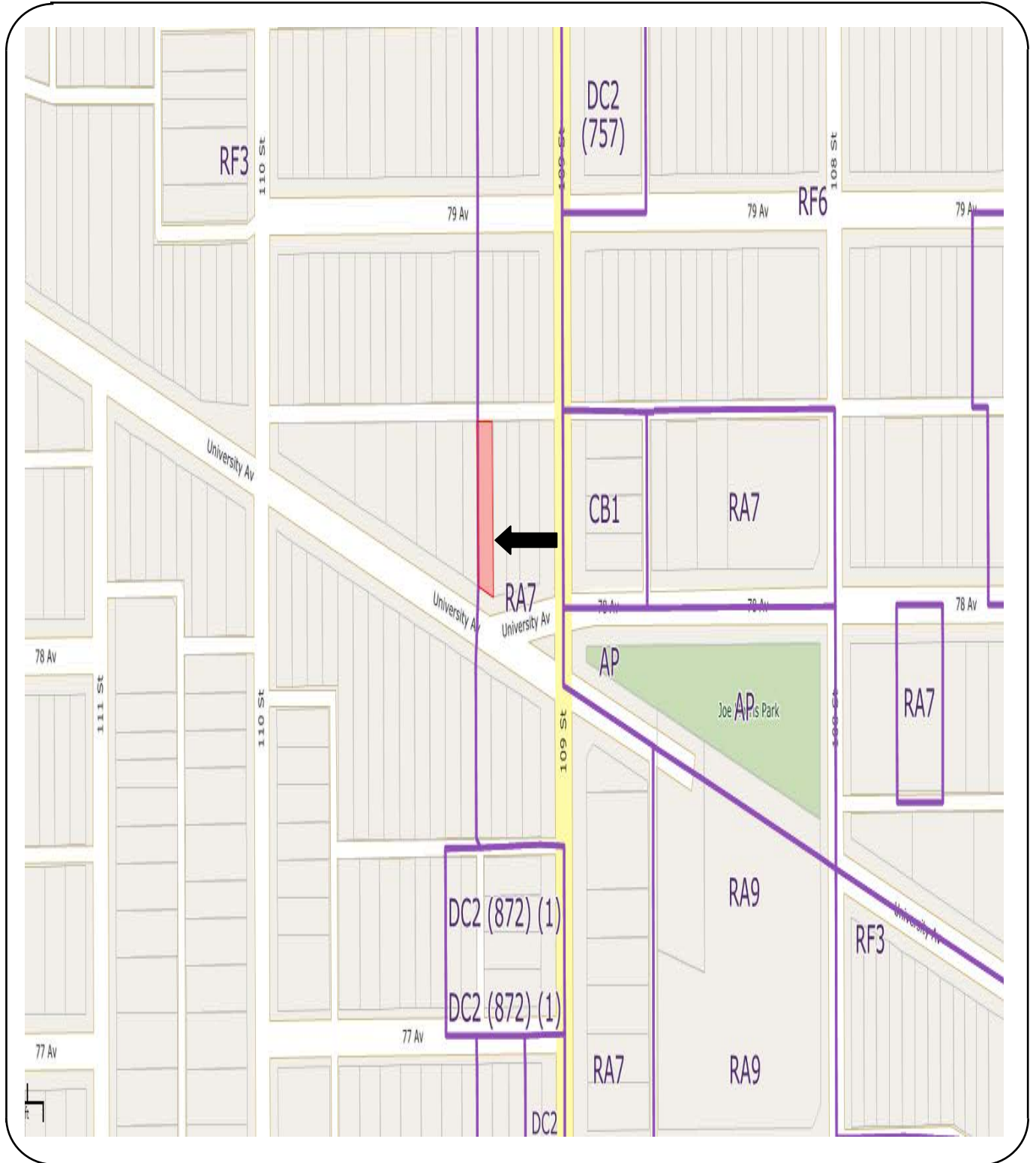
Major Development Permit

Issue Date: Dec 06, 2016 **Development Authority:** McLELLAN, ANDREW **Signature:** _____
Notice Period Begins: Dec 13, 2016 **Ends:** Dec 27, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$330.00	\$330.00	02943122	Dec 08, 2015
Major Dev. Application Fee	\$770.00	\$770.00	02943122	Dec 08, 2015
Dev. Application Fee # of dwelling units	\$68.00	\$136.00	02943122	Dec 08, 2015
Sanitary Sewer Trunk Fund 2012+	\$4,024.00			
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,292.00	\$1,236.00		
(\$4,056.00 outstanding)				

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-004



BUSINESS LAID OVER

SDAB-D-16-294	An appeal by <u>Wigalo Holdings Ltd.</u> to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18, 2017</i>
SDAB-D-16-295	An appeal by <u>Wigalo Holdings Ltd.</u> to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18, 2017</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>January 25, 2017</i>
SDAB-D-16-316	An appeal by Superior Buildings & Design Ltd. to construct an addition and exterior alterations to an existing Religious Assembly (250-seat addition to 250-seat building and parking lot expansion)(Ethiopian Church) <i>January 18 or 19, 2017</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>February 15, 2017</i>

APPEAL HEARINGS TO BE SCHEDULED

230469969-001	An appeal by <u>Pattison Outdoor Advertising / Ogilvie LLP</u> to install (1) freestanding Minor Digital Off-premises Sign (14.6m x 4.3m digital panel facing South, and static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920-101 Street, existing Freestanding Off-premises Signs on 2303 Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.) <i>January 26, 2017</i>
152674334-001	An appeal by <u>A&E Architectural & Engineering Group Inc.</u> to construct an Auctioneering Establishments building and operate an Auctioneering Establishment on the entire Site (including existing storage building and shed), and demolish an existing storage building (Osman Auction Inc.) <i>February 22, 2017</i>