

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 12, 2017**

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

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

I	9:00 A.M.	SDAB-D-17-008	Install (1) Freestanding On-premises Sign, and remove (1) existing Freestanding On-premises Sign (ST. PAUL'S UNITED CHURCH) 11526 - 76 Avenue NW Project No.: 232482794-001
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II	10:30 A.M.	SDAB-D-17-009	Operate a Major Home Based Business (Administration Office and Sandblasting Contractor - Western Canadian Soda Blasting) 7532 - 77 Avenue NW Project No.: 226113444-003
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III	1:30 P.M.	SDAB-D-17-010	Construct a 2 storey Accessory Building (Garage suite on 2nd floor, Garage on main floor, 14.94 m x 8.53 m) 7308 - Morgan Road NW Project No.: 233935838-002
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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-17-008

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 232482794-001

ADDRESS OF APPELLANT: 11526 - 76 Avenue NW

APPLICATION TO: Install (1) Freestanding On-premises Sign, and remove (1) existing Freestanding On-premises Sign (ST. PAUL'S UNITED CHURCH)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 24, 2016

DATE OF APPEAL: December 1, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11526 - 76 Avenue NW

LEGAL DESCRIPTION: Plan 1367HW Blk 17 Lot 10

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: McKernan-Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

St. Paul's United Church is proposing to replace its existing sign of sixty years with a new contemporary sign more in keeping with both the current development and historical aesthetic of the Belgravia Community.

The central component of the proposed sign's triptych exceeds the height restriction by 0.6m and we are appealing for a height variance to maintain the artistic and practical integrity of signage design. [unedited]

General Matters

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

The decision of the Development Officer is dated November 24, 2016. The Notice of Appeal was filed on December 1, 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 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 210.3(17), **Freestanding On-premises Signs** are a **Discretionary Use** in the RA7 Low Rise Apartment Zone.

Section 7.9(4) states:

Freestanding On-premises Signs means any Sign supported independent of a building, displaying Copy that identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

<i>Maximum Height</i>

Section 59F.3(1)(c) states:

- 1. Freestanding On-premises Signs shall be subject to the following regulations:

...

- c. the maximum Height for Freestanding On-premises Signs shall be 1.8 m;



Development Officer’s Determination

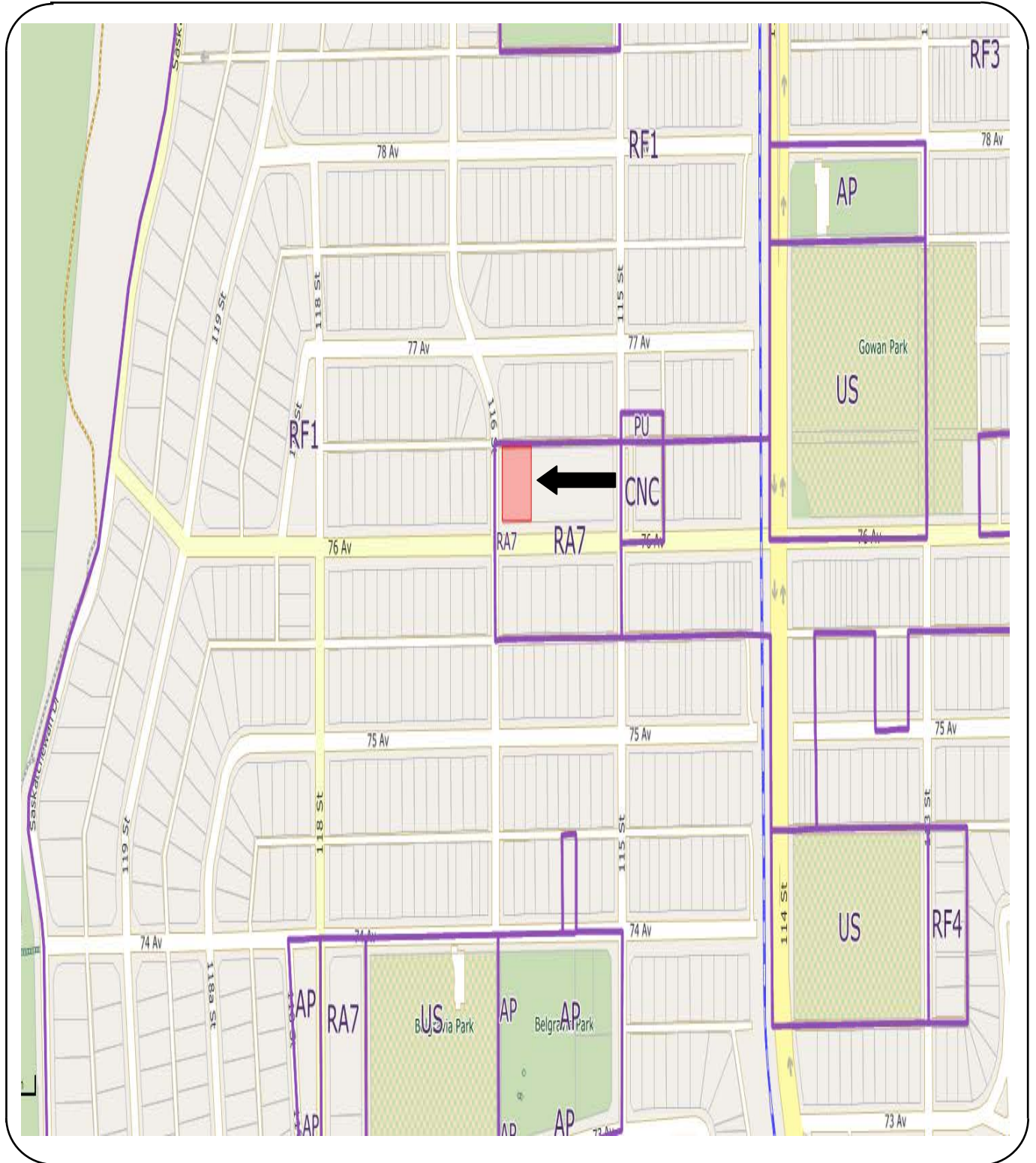
1) The maximum Height for Freestanding On-premises Signs shall be 1.8 m; (Reference Section 59B.3(1)(c))

Proposed: 2.4m
Exceeds by: 0.6m

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: 232482794-001 Application Date: OCT 12, 2016 Printed: December 23, 2016 at 11:25 AM Page: 1 of 2															
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>																
This document is a Development Permit Decision for the development application described below.																
Applicant 	Property Address(es) and Legal Description(s) 11526 - 76 AVENUE NW Plan 1367HW Blk 17 Lot 10															
Scope of Application To install (1) Freestanding On-premises Sign, and remove (1) existing Freestanding On-premises Sign (ST. PAUL'S UNITED CHURCH).																
Permit Details																
ASA Sticker No./Name of Engineer: Construction Value: 6000	Class of Permit: Expiry Date:															
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 1 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0															
I/We certify that the above noted details are correct. Applicant signature: _____																
Development Application Decision Refused Reason for Refusal 1) The maximum Height for Freestanding On-premises Signs shall be 1.8 m; (Reference Section 59B.3(1)(c)) Proposed: 2.4m Exceeds by: 0.6m 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: Nov 24, 2016 Development Authority: NOORMAN, BRENDA Signature: _____																
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 15%;">Receipt #</th> <th style="width: 25%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Building Permit Fee</td> <td style="text-align: right;">\$149.00</td> <td style="text-align: right;">\$149.00</td> <td>03688124</td> <td>Oct 20, 2016</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$5.96</td> <td style="text-align: right;">\$5.96</td> <td>03688124</td> <td>Oct 20, 2016</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Building Permit Fee	\$149.00	\$149.00	03688124	Oct 20, 2016	Safety Codes Fee	\$5.96	\$5.96	03688124	Oct 20, 2016
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Sign Building Permit Fee	\$149.00	\$149.00	03688124	Oct 20, 2016												
Safety Codes Fee	\$5.96	\$5.96	03688124	Oct 20, 2016												
THIS IS NOT A PERMIT																



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-008



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-009

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 226113444-003

ADDRESS OF APPELLANT: 7532 - 77 Avenue NW

APPLICATION TO: Operate a Major Home Based Business
(Administration Office and Sandblasting
Contractor - Western Canadian Soda
Blasting)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 17, 2016

DATE OF APPEAL: December 3, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 7532 - 77 Avenue NW

LEGAL DESCRIPTION: Plan 656KS Blk 58 Lot 16

ZONE: RF3 Small Scale Infill Development 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:

I have an open complaint file with the city of Edmonton - reference #8015030988

I have made all the changes requested by the licensing officers and have also spent weeks and thousands of dollars restructuring my business to comply with these requests.

We only need an office at this location as we now have off site storage and a different location to do maintenance.

I believe the Development officers have a biased view of myself and my property.

As well, mistakes were made to my application that were not changed before the application went through - this has caused me much stress and I would like to move this along as swiftly as possible.

Please view my complaint file for more information on this. [Content unedited; formatting altered for clarity]

<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 November 17, 2016. The Notice of Appeal was filed on December 3, 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 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

... to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.3(7), **Major Home Based Business** is a **Discretionary Use** in the RF3 Small Scale Infill Development Zone.

Section 7.3(7) states:

Major Home Based Business means development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales.

Outdoor Business Activity

Section 75(5) states: “there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings”.

Development Officer’s Determination

The Development Officer referenced section 75(5) and made the following determination:

- The applicant is doing outdoor equipment maintenance at the home.
- There is outdoor storage of materials and equipment. [unedited]

External Noise

Section 75(2) states: “there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings”.

Development Officer’s Determination

The Development Officer referenced section 75(2) and made the following determination:

- The business involves use of a compressor onsite that creates noise noticeable from adjacent properties. [unedited]

Principal Character or Appearance of the Dwelling

Section 75(6) states: “the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings”.

Development Officer’s Determination

The Development Officer referenced section 75(6) and made the following determination:

The business activity onsite is impacting the residential character of the Site:

- Commercial vehicles are stored onsite. NOTE: A violation notice was issued on October 4, 2016 to remove all commercial vehicles from the Site.
- Materials and equipment for the business are stored at the site.
- The onsite outdoor business activity is creating noise that is noticeable from adjacent properties.

NOTE: There is a complaint on file for this site relating to noise, employee traffic (more than 2 non-resident employees onsite), chemical smells, oil spills in lane, and large vehicles blocking the rear lane.

NOTE: In accordance to Section 75(4) the number of non-resident employees working on-site shall not exceed 2 at any one time. [unedited]

External Noise

Section 75(9) states: “the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.”



Development Officer’s Determination

The Development Officer referenced section 75(9) and made the following determination:

- In the opinion of the Development Officer, this Use would be more appropriately located in a Commercial or Industrial Zone as a General Contractor Service Use (Section 7.4.21). A General Contractor Service is neither a Permitted nor Discretionary Use within the RF3 Zone. Reference Sections 140(2) and 140(3). [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*.

	<h2>Application for Home Occupation</h2>		Project Number: 226113444-003 Application Date: SEP 27, 2016 Printed: December 23, 2016 at 2:08 PM Page: 1 of 2	
This document is a Development Permit Decision for the development application described below.				
Applicant 	Property Address(es) and Legal Description(s) 7532 - 77 AVENUE NW Plan 656KS Blk 58 Lot 16 Specific Address(es) Entryway: 7532 - 77 AVENUE NW Building: 7532 - 77 AVENUE NW			
Scope of Application To operate a Major Home Based Business. (Administration Office and Sandblasting Contractor - Western Canadian Soda Blasting)				
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of business related visits/day: 1 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N </td> <td style="width: 50%; vertical-align: top;"> # of vehicles at one time: 3 Business has Trailers or Equipment?: Y Description of Business: Maintenance on equipment. Expiry Date: </td> </tr> </table>			# of business related visits/day: 1 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 3 Business has Trailers or Equipment?: Y Description of Business: Maintenance on equipment. Expiry Date:
# of business related visits/day: 1 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 3 Business has Trailers or Equipment?: Y Description of Business: Maintenance on equipment. Expiry Date:			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused				
THIS IS NOT A PERMIT				



Project Number: **226113444-003**
 Application Date: SEP 27, 2016
 Printed: December 23, 2016 at 2:08 PM
 Page: 2 of 2

Application for Home Occupation

Reason for Refusal

There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Reference Section 75(5).

- The applicant is doing outdoor equipment maintenance at the home.
- There is outdoor storage of materials and equipment.

There shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings. Reference Section 75(2).

- The business involves use of a compressor onsite that creates noise noticeable from adjacent properties.

The Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings. Reference Section 75(6).

The business activity onsite is impacting the residential character of the Site:

- Commercial vehicles are stored onsite. NOTE: A violation notice was issued on October 4, 2016 to remove all commercial vehicles from the Site.
- Materials and equipment for the business are stored at the site.
- The onsite outdoor business activity is creating noise that is noticeable from adjacent properties.

NOTE: There is a complaint on file for this site relating to noise, employee traffic (more than 2 non-resident employees onsite), chemical smells, oil spills in lane, and large vehicles blocking the rear lane.

NOTE: In accordance to Section 75(4) the number of non-resident employees working on-site shall not exceed 2 at any one time.

The Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area. Reference Section 75(9).

- In the opinion of the Development Officer, this Use would be more appropriately located in a Commercial or Industrial Zone as a General Contractor Service Use (Section 7.4.21). A General Contractor Service is neither a Permitted nor Discretionary Use within the RF3 Zone. Reference Sections 140(2) and 140(3).

Rights of Appeal

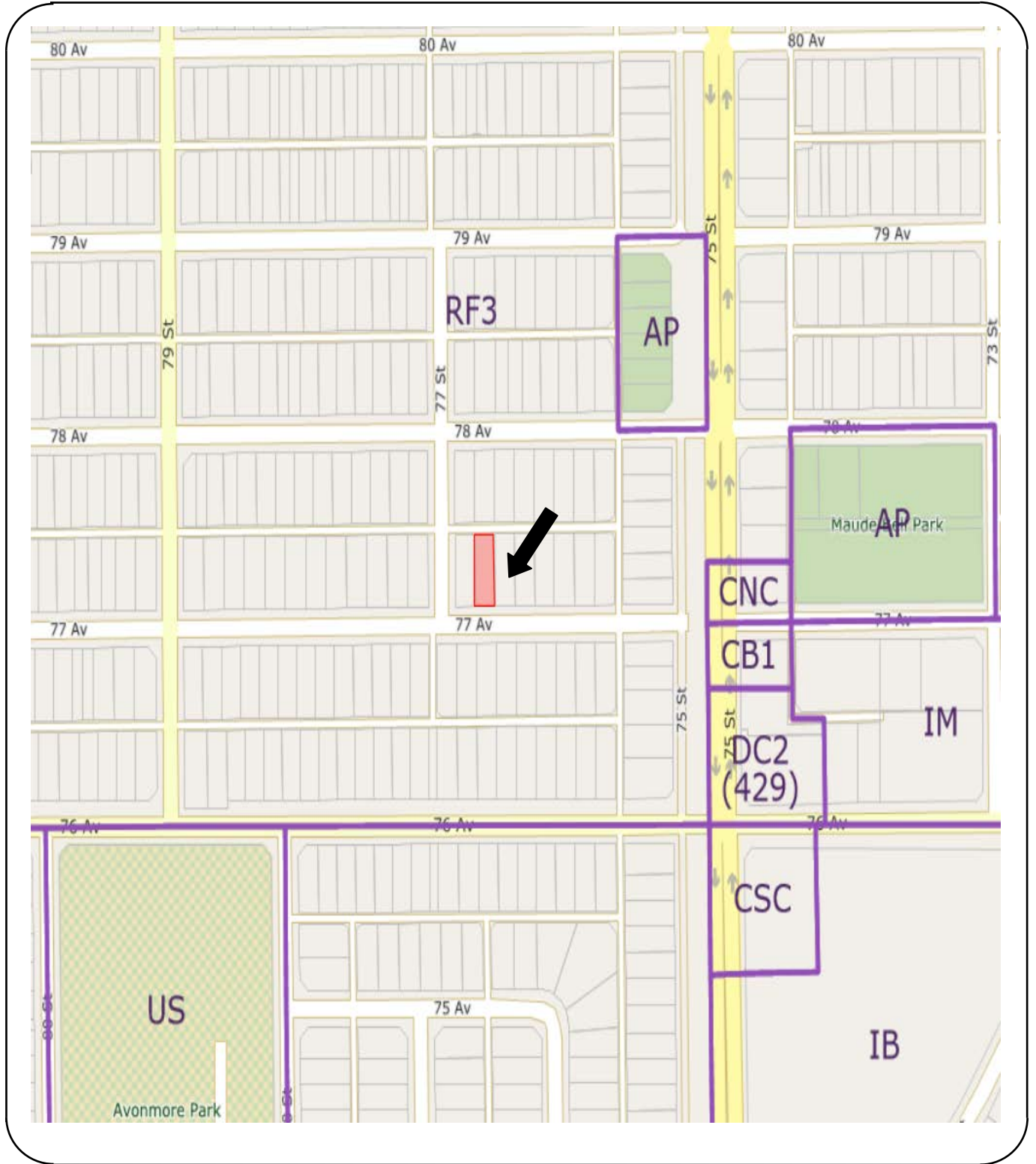
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 17, 2016 Development Authority: BACON, KIRK Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03696720	Oct 24, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$297.00	\$297.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-009



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-010

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

APPELLANT:

APPLICATION NO.: 233935838-002

ADDRESS OF APPELLANT: 4465 - Mccrae Avenue NW

APPLICATION TO: Construct a 2 storey Accessory Building (Garage suite on 2nd floor, Garage on main floor, 14.94 m x 8.53 m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 29, 2016

DATE OF APPEAL: December 13, 2016

RESPONDENT: Coventry Homes Inc

ADDRESS OF RESPONDENT: 7308 - Morgan Road NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7308 - Morgan Road NW

LEGAL DESCRIPTION: Plan 1423823 Blk 12 Lot 11

ZONE: GLG Griesbach Low Density Residential with Garage Suites Zone

OVERLAY: Special Area Griesbach

STATUTORY PLAN: Griesbach Neighbourhood Structure Plan

Grounds for Appeal

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

The decision of the Development Authority is not aligned with the general purpose of Edmonton Zoning bylaw 12800; 940.5 (GLD) Griesbach Low Density Residential Zone which states: to provide for street oriented low density housing with opportunities for a limited amount of Row Housing and Secondary Suites under certain conditions,

in accordance with the design objectives in the Griesbach Neighbourhood Area Structure Plan.

It is not aligned for the following reasons:

1. The distance from the house to the garage being 1.1m, as opposed to the outlined 4m, suggests high density housing as the principal building and accessory building will be the same size and . It also does not comply with the Griesbach Neighborhood Area Structure Plan that outlines that the plan will respect nature (Griesbach Neighbourhood Area Structure Plan, pg 13, Office Consolidation, June 2015) nor does it adhere to the following planning guidelines: to design the community to focus on community features and share common infrastructure (Griesbach Neighbourhood Area Structure Plan, pg. 11). Currently, each development in the area has a substantial distance between the house and the garage to allow for nature and green space to maintain that the Griesbach area is a "Mature" area.

2. Access to the garage suite would be from the alley and would not be street oriented and thus going against the Edmonton Zoning Bylaw 12800 as well as the Griesbach NASP guideline to locate multiple-unit housing at edges and focal points. It is also a safety issue as residents and visitors of the Garage suite will have to walk the alley for access to the garage suite if they park on the street or would have to park in the alley which impedes on the already existing buildings and garages.

3. The height of the garage suite exceeds the maximum height allowance of 12.0m and is not in accordance with section 52 of Bylaw 16733 July 6, 2015 nor the design objectives of the Griesbach Neighborhood Area Structure Plan of maintaining low density housing that share common infrastructure with already existing housing.

4. As per Bylaw 16733, July 6, 2015, the maximum site coverage specified is 49%. My concern that the variance to have the principal building only 1.1m from the accessory building suggests that the site coverage exceeds 49%.

For these specific reasons, please consider my appeal.

Thank you for your time and consideration.

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.

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 November 29, 2016. Notice of the development was published in the Edmonton Journal on December 6, 2016. The Notice of Appeal was filed on December 13, 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 940.9(1) states that the **General Purpose** of the **GLG Griesbach Low Density Residential with Garage Suites Zone** is:

To provide for street oriented low density housing with opportunities for a limited number of Garage Suites and Secondary Suites and Row Housing under certain conditions, in accordance with the design objectives in the Griesbach Neighbourhood Area Structure Plan.

Under Section 940.9(3)(c), **Garage Suites** are a **Permitted Use** in the GLG Griesbach Low Density Residential with Garage Suites Zone.

Section 7.2(3) states:

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

Section 940.1 states that the **General Purpose** of **Special Area Griesbach** is:

The purpose of this designation is to designate Griesbach as shown on Appendix I to this Section, as a Special Area and to adopt appropriate land use regulations for this Special Area in order to achieve the objectives of the Griesbach Neighbourhood Area Structure Plan, as adopted by Bylaw 12936, as amended.

Distance Between Principal Dwelling and Detached Garage Suite

Section 87(7) states: “the minimum distance between a detached Garage containing a Garage Suite, and a Garden Suite and the principal Dwelling on the same Site, shall be 4 m.”

Development Officer’s Determination

Separation - The distance between the house and garage is 1.1 m, instead of 4 m (Section 87.7)

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: **233935838-002**
Application Date: OCT 31, 2016
Printed: January 4, 2017 at 2:02 PM
Page: 1 of 5

House Development and Building Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant



Property Address(es) and Legal Description(s)

7308 - MORGAN ROAD NW
Plan 1423823 Blk 12 Lot 11

Scope of Permit

To construct a 2 storey Accessory Building (Garage suite on 2nd floor, Garage on main floor, 14.94 m x 8.53 m).

Permit Details

Affected Floor Area (sq. ft.): 1840
Class of Permit: Class B
Front Yard (m):
Rear Yard (m): 1.3
Side Yard, left (m): 7.57
Site Area (sq. m.): 876.32
Site Width (m): 10.6

Building Height to Midpoint (m): 6.86
Dwelling Type: Garage Suite
Home Design Type: 2-storey
Secondary Suite Included?: N
Side Yard, right (m): 6.4
Site Depth (m): 37.91
Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision

Approved

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



Project Number: **233935838-002**
 Application Date: OCT 31, 2016
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House Development and Building Permit

Subject to the Following Conditions

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.

This Development Permit authorizes the development of a 2 storey Accessory Building (Garage suite on 2nd floor, Garage on main floor, 14.94 m x 8.53 m). The development shall be constructed in accordance with the stamped and approved drawings.

1 parking space per 2 Sleeping Units shall be provided in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites and Garage Suites. (Reference Section 54.2 Schedule 1)

Parking shall be provided in accordance with the stamped and approved drawings.

Rooftop Terraces shall not be allowed on Garage Suites or Garden Suites. (Section 87.9)

Platform Structures, including balconies, shall be allowed as part of a Garage Suite developed above a detached Garage only where the balcony faces the lane or a flanking roadway. (Section 87.10)

Only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling. (Reference Section 87.11)

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three. (Section 87.12)

A Garage Suite or Garden Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite or Garden Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business. (Section 87.13)

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(27))

a Garage Suite or Garden Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. (Section 87.15)

Garage Suites and Garden Suites shall not be included in the calculation of densities in this Bylaw. (Reference Section 87.16)

Advisements:

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

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

Variations

Separation - The distance between the house and garage is 1.1 m, instead of 4 m (Section 87.7)

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.



Project Number: **233935838-002**
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House Development and Building Permit

Issue Date: Nov 29, 2016 **Development Authority:** FOLKMAN, JEREMY
Notice Period Begins: Dec 06, 2016 **Ends:** Dec 20, 2016

Signature: _____

Building Permit Decision
Issued

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



Project Number: 233935838-002
Application Date: OCT 31, 2016
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House Development and Building Permit

Conditions of Issuance

Plans Examiner: Glen Miller S111419

Engineered Roof System supplied by: ZyTech Building Systems
Engineered Floor System supplied by: ZyTech Building Systems
Garage (grade beam & screw pile) Foundation design done by: Bogdan Iancu, P. Eng (IB Engineering Ltd)
Aluminum Railing by: Home-Rail

Soil gas (Radon) control and extraction to be done according to 9.13.4 of the 2014 ABC:

Permit issued subject to all notations on the stamped plans.

A vertical swinging man door is required as outlined in Part 9.9.6.4. and 9.9.8.2. of the Alberta Building Code 2014.

Foundations supporting exterior walls shall be at least 6 inches (150mm) above the finished ground level.

Any combustible projections within 1.2m (4ft) to property line shall be protected as per ABC 2014 9.10.15.5.

Window openings in a detached garage are not permitted if the limiting distance is less than 3.94 ft. (1.2m) as outlined in Part 9.10.15.4 of the Alberta Building Code 2014.

Dwelling units shall be separated from the remainder of the building by not less than a one hour fire separation as per 9.10.9.16. (2) of the 2014 Alberta Building.

Furnace room is required to be enclosed with a one hour separation complete with a minimum 32"x 78" door that is has a fire rating according to Alberta Building Code 9.10.13.1

All doors separating the garage from the remainder of the building are required to be self-closing and weather-stripped, as per Albert Building Code 9.10.13.15.

Load bearing walls immediately below a floor are required to be fire rated for 1 hour as per Albert Building Code 9.10.8.3

An interconnected smoke alarm is required Per Article 9.10.19.3 of the Alberta Building Code 2014

Carbon monoxide detectors are required Per Article 9.32.3.9 of the Alberta Building Code 2014

All construction is to comply with the 2014 Alberta Building Code.

Separate permits are required prior to any Plumbing/Gas/HVAC and/or Electrical work.

Stamped approved Drawings to be at construction site at the time of Inspection for review by Field Inspector.

An Accessory Building shall not be constructed over a Natural Gas Service Line. For service line location please call Alberta One Call at 1-800-242-3447. For gas line relocation please call ATCO Utilities at 780-424-5222.

Call 311 for required inspections or if outside of Edmonton, phone 780 442-5311 for Inspection. Final inspection must be called for PRIOR TO OCCUPANCY.

Issue Date: Dec 06, 2016 Safety Codes Officer: MILLER, GLEN

Signature: _____

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



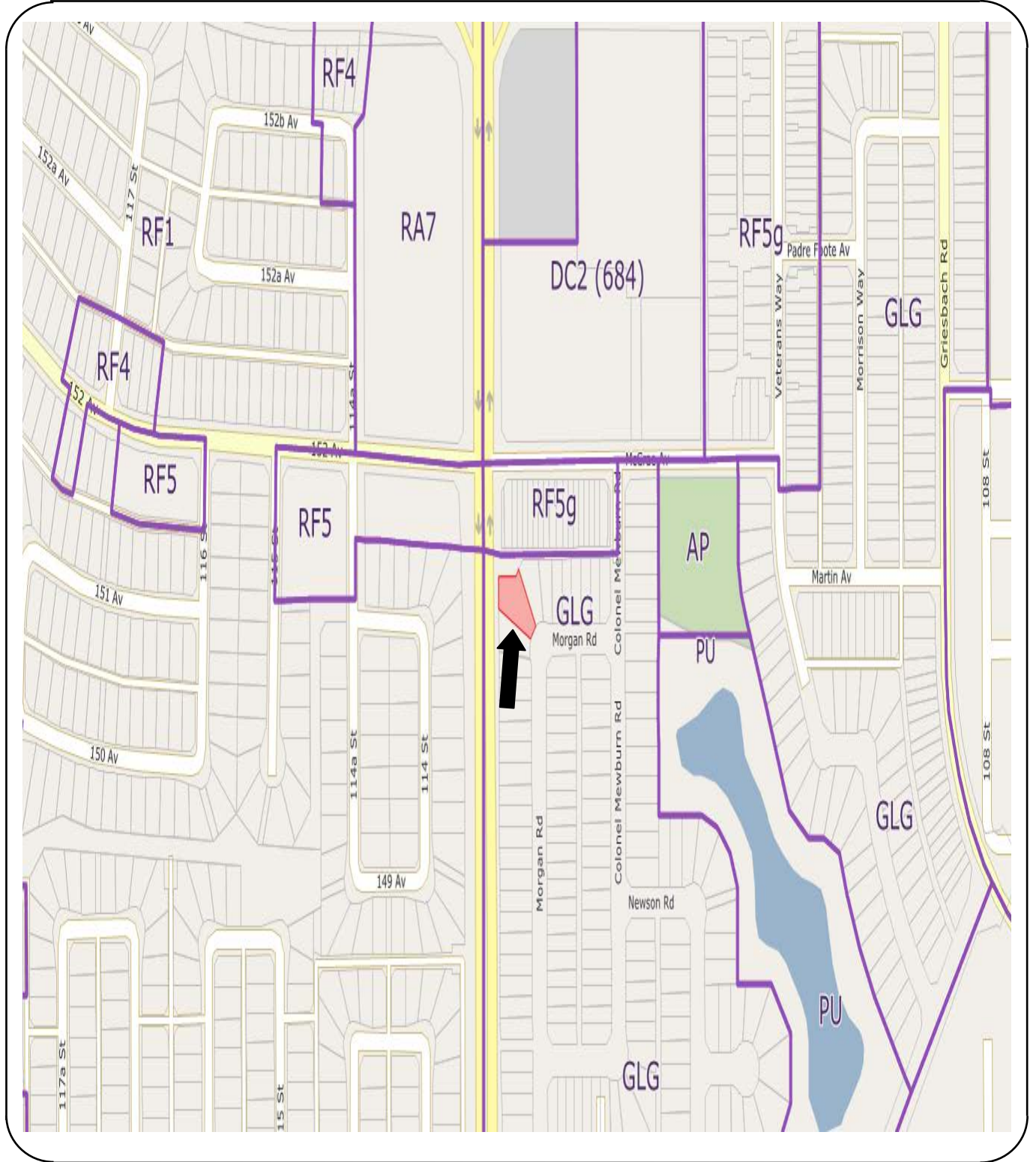
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House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Safety Codes Fee	\$15.10	\$15.10	03714008	Oct 31, 2016
Temporary Gas Heat Fee	\$100.00	\$100.00	03714008	Oct 31, 2016
DP Notification Fee	\$102.00	\$102.00	03793831	Dec 05, 2016
Building Permit Fee	\$1,610.00	\$1,610.00	03714008	Oct 31, 2016
Safety Codes Fee	\$64.40	\$64.40	03714008	Oct 31, 2016
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03714008	Oct 31, 2016
Electrical Fee (Service)	\$77.00	\$77.00	03714008	Oct 31, 2016
Lot Grading Fee	\$135.00	\$135.00	03714008	Oct 31, 2016
Water Usage Fee	\$44.77	\$44.77	03714008	Oct 31, 2016
Electrical Fees (House)	\$265.00	\$265.00	03714008	Oct 31, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,106.27	\$3,106.27		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-010



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>