

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
January 14, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TO BE RAISED

I 9:00 A.M. SDAB-D-21-003 Construct a 4 Dwelling Multi-unit Housing (row house) building and to develop Secondary Suites in the Basements, and to demolish the existing Single Detached House and Accessory building (detached Garage)

8803 - 121 Avenue NW
Project No.: 358604457-002

TO BE RAISED

II 10:30 A.M. SDAB-D-21-004 Comply with an Order to acquire a Development Permit for the Accessory building (rain diversion / storage shed) OR dismantle and remove the Accessory building (rain diversion / storage shed) from the property

16009 - 92 Avenue NW
Project No.: 259658323-001

TO BE RAISED

III 1:30 P.M. SDAB-D-21-010 Construct exterior alterations to an existing Garden Suite (new Driveway - approximately 3.5m x 17.0m with access from 29 Avenue)

2847 - 202 Street NW
Project No.: 370742071-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-003

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 358604457-002

APPLICATION TO: Construct a 4 Dwelling Multi-unit Housing (row house) building and to develop Secondary Suites in the Basements, and to demolish the existing Single Detached House and Accessory building (detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 27, 2020

DATE OF APPEAL: November 30, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8803 - 121 Avenue NW

LEGAL DESCRIPTION: Plan RN76 Blk 20 Lot 11

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Alberta Avenue / Eastwood Area Redevelopment Plan

Grounds for Appeal

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

We proposed to build the fourplex on this lot. As per City Guidelines fourplex is allowed to be built on this lot. But there is a small variance that

had to be addressed through Community Consultation. The letters for community consultation were sent out but after the expiry of the timeline the Development Officer informed us that there are some objections from the neighbours about the parking issues. Therefore he refused the Development Permit. However we have provided four car Garage and a big driveway pad behind the garage for four more cars thereby totalling 8 cars parkings. So we think there should be no problem for the approval of this project.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board at a hearing on December 2, 2020, made and passed the following motion:

“The hearing will be scheduled on January 14, 2021.”

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 clause (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 120.2(5), **Multi-unit Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 120.2(6), **Secondary Suite** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings.

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, or Blatchford Lane Suites.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

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.

Front Setback

Section 814.3(2) states:

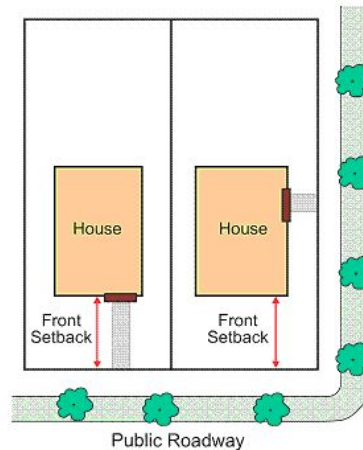
Notwithstanding Section 814.3(1), on a Corner Site in the RF3 Zone, where Row Housing, Multi-unit Housing faces the flanking Side Lot Line, the following shall apply:

- a. for Lots where the Front Setback of the Abutting Lot is 9.0 m or less, the Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback of the Abutting Lot, to a maximum of 6.0 m.

...

Under section 6.1, **Front Setback** means:

the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.



Development Officers Determination

Reduced Front Setback - The distance from the row house to the property line along 88 Street NW (front lot line) is 3.3m instead of 5.3m (Section 814.3.2.a).

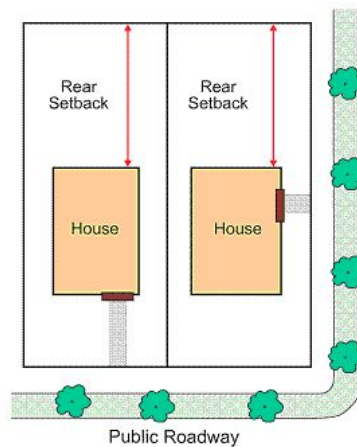
[unedited]

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officers Determination

Reduced Rear Setback - The distance from the row house to the rear property line is 18.0m (39% of site depth) instead of 18.3m (40% of site depth). (Section 814.3.4)

[unedited]

Mature Neighbourhood Overlay - Community Consultation

Section 814.5(1) states:

When the Development Officer receives a Development Permit Application for a new principal building or 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) or 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 11.3 and 11.4.


Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(2) - Front Setback
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	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site	814.3(4) – Rear Setback

	President of each Community League	of the proposed development	
--	------------------------------------	-----------------------------	--

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.

	<h2>Application for Minor Development Permit</h2>		Project Number: 358604457-002 Application Date: MAR 26, 2020 Printed: December 1, 2020 at 9:44 AM 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) 8803 - 121 AVENUE NW Plan RN76 Blk 20 Lot 11			
	Specific Address(es) Suite: 8803 - 121 AVENUE NW Suite: 8805 - 121 AVENUE NW Suite: 8807 - 121 AVENUE NW Suite: 8809 - 121 AVENUE NW Suite: BSMT, 8803 - 121 AVENUE NW Suite: BSMT, 8805 - 121 AVENUE NW Suite: BSMT, 8807 - 121 AVENUE NW Suite: BSMT, 8809 - 121 AVENUE NW Entryway: 8803 - 121 AVENUE NW Entryway: 8805 - 121 AVENUE NW Entryway: 8807 - 121 AVENUE NW Entryway: 8809 - 121 AVENUE NW Building: 8803 - 121 AVENUE NW			
Scope of Application To construct a 4 Dwelling Multi-unit Housing (row house) building and to develop Secondary Suites in the Basements, and to demolish the existing Single Detached House and Accessory building (detached Garage).				
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 7 # of Secondary Suite Dwelling Units To Construct: 4 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Str. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>			# of Dwelling Units Add/Remove: 7 # of Secondary Suite Dwelling Units To Construct: 4 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y	# of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Str. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 7 # of Secondary Suite Dwelling Units To Construct: 4 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y	# of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Str. Plan Overlay/Annex Area: Mature Neighbourhood Overlay			
Development Application Decision Refused Issue Date: Nov 27, 2020 Development Authority: YEUNG, KENNETH Reason for Refusal Reduced Front Setback - The distance from the row house to the property line along 88 Street NW (front lot line) is 3.3m instead of 5.3m (Section 814.3.2.a). Reduced Rear Setback - The distance from the row house to the rear property line is 18.0m (39% of site depth) instead of 18.3m (40% of site depth). (Section 814.3.4)				
THIS IS NOT A PERMIT				



Project Number: **358604457-002**
 Application Date: MAR 26, 2020
 Printed: December 1, 2020 at 9:44 AM
 Page: 2 of 2

Application for Minor Development Permit

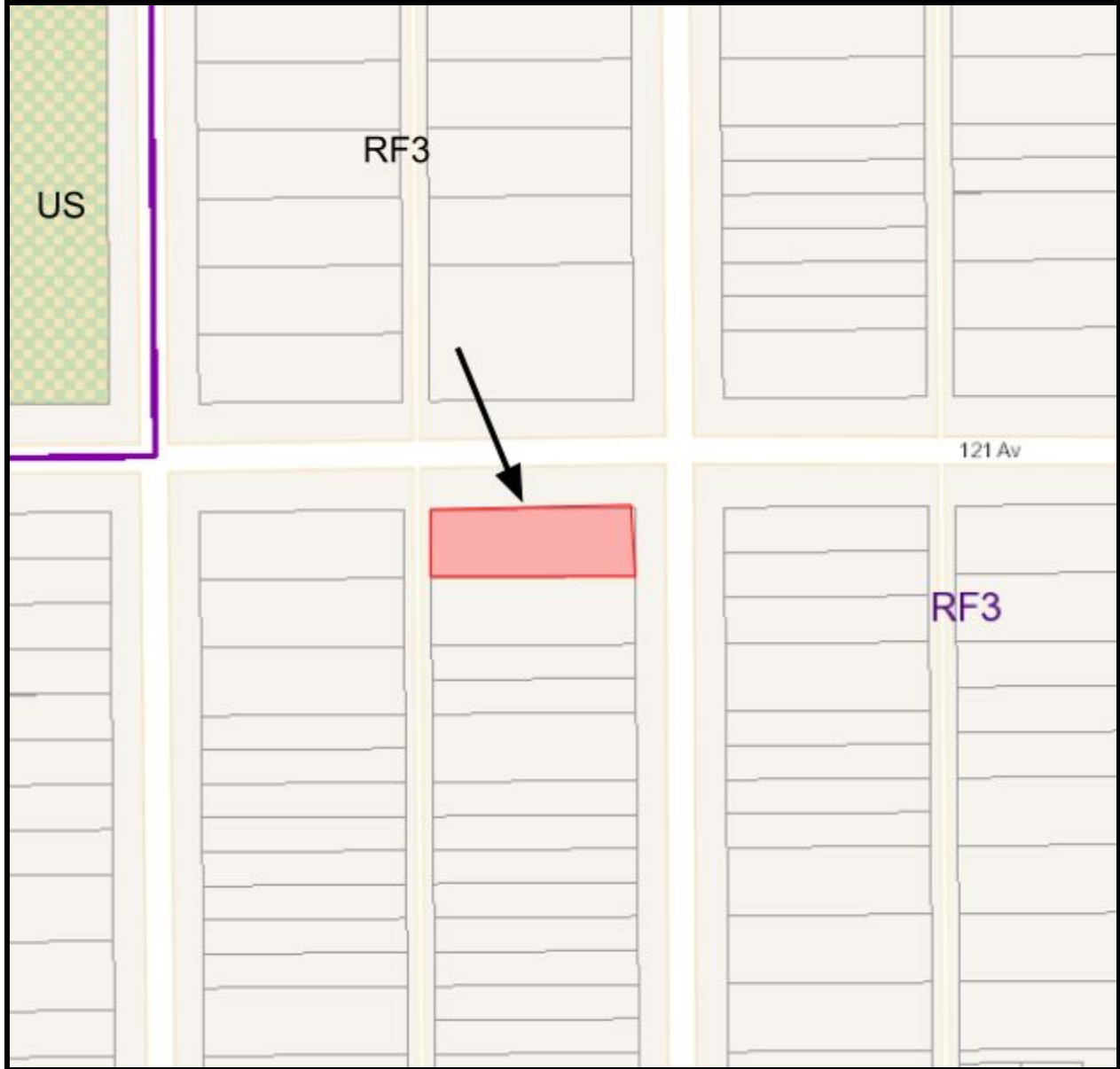
Rights of Appeal

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

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$472.00	\$472.00	06503811	Apr 23, 2020
Dev. Application Fee	\$864.00	\$864.00	06503811	Apr 23, 2020
Sanitary Sewer Trunk Fund	\$3,176.00	\$3,176.00	06503811	Apr 23, 2020
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$3,032.00	\$3,032.00	06503811	Apr 23, 2020
Development Permit Inspection Fee	\$528.00	\$528.00	06503811	Apr 23, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$8,072.00	\$8,072.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-003

▲
N

TO BE RAISED

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-004

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 259658323-001

ORDER TO: Acquire a Development Permit for the Accessory building (rain diversion / storage shed) OR dismantle and remove the Accessory building (rain diversion / storage shed) from the property

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: November 30, 2020

DATE OF APPEAL: November 30, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16009 - 92 Avenue NW

LEGAL DESCRIPTION: Plan 6594KS Blk 4 Lot 42

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:

I will email the documents outlining my reasons for appealing the decision after. We are appealing a rain diversion being allowed on our property. I'm sorry I think this is late, but I misunderstood the paperwork.

General Matters

The Subdivision and Development Appeal Board at a hearing on December 2, 2020, made and passed the following motion:

“The hearing will be scheduled on January 14, 2021.”

Appeal Information:

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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 clause (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(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 6.1, **Accessory** means:

when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

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, Garden Suites, Semi-detached Housing and Duplex Housing.

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.

Section 5.1 states:

5.1 Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

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.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

5th Floor
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



October 20, 2020

Our File: 259658323-001

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 16009 - 92 AVENUE NW in Edmonton, Alberta, legally described as Plan 6594KS Block 4 Lot 42.

This Property was inspected by Development Compliance Officer Cody Gretzinger, on October 5, 2020. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

This property is zoned RF1 (Single Detached Residential Zone) in accordance with Section 110 of Edmonton Zoning Bylaw 12800. Our investigation revealed an Accessory building (rain diversion / storage shed) has been developed within the side setback of the property.

The City of Edmonton has not issued a Development Permit to develop Accessory building (rain diversion / storage shed) in the side setback of the property, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act.

Section 5.1 of Edmonton Zoning Bylaw 12800 states:
Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

5th Floor
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



Furthermore, Section 23.1(6) of Edmonton Zoning Bylaw 12800 states: "Notwithstanding subsection 23.1(2), it is an offence to undertake development of, or addition to, an Accessory building, other than a Garden Suite, without a valid and approved Development Permit when a Development Permit is required."

Accessory means: when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site;

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, you are hereby ordered to complete the following before December 1, 2020:

1. Acquire a Development Permit for the Accessory building (rain diversion / storage shed)

OR

2. Dismantle and remove the Accessory building (rain diversion / storage shed) from the property.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after December 1, 2020 to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within the prescribed time to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

5th Floor
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

You can apply for a Development Permit at selfserve.edmonton.ca. You may want to consult a technical advisor at 780-442-5054 #2 on how to obtain a variance to the setback requirements and the likelihood of one being issued.

If you have any questions in regards to this matter, please contact the writer

Regards,

A handwritten signature in black ink, appearing to read "Cody Gretzinger".

Cody Gretzinger
Development Compliance Officer
780-944-0380
cody.gretzinger@edmonton.ca

**Adding Amounts
Owing to tax roll**

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35;
- (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) Unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board
- (h.1) the expenses and costs of carrying out an order under section 646;
- (i) any other amount that may be added to the tax roll under an enactment.

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

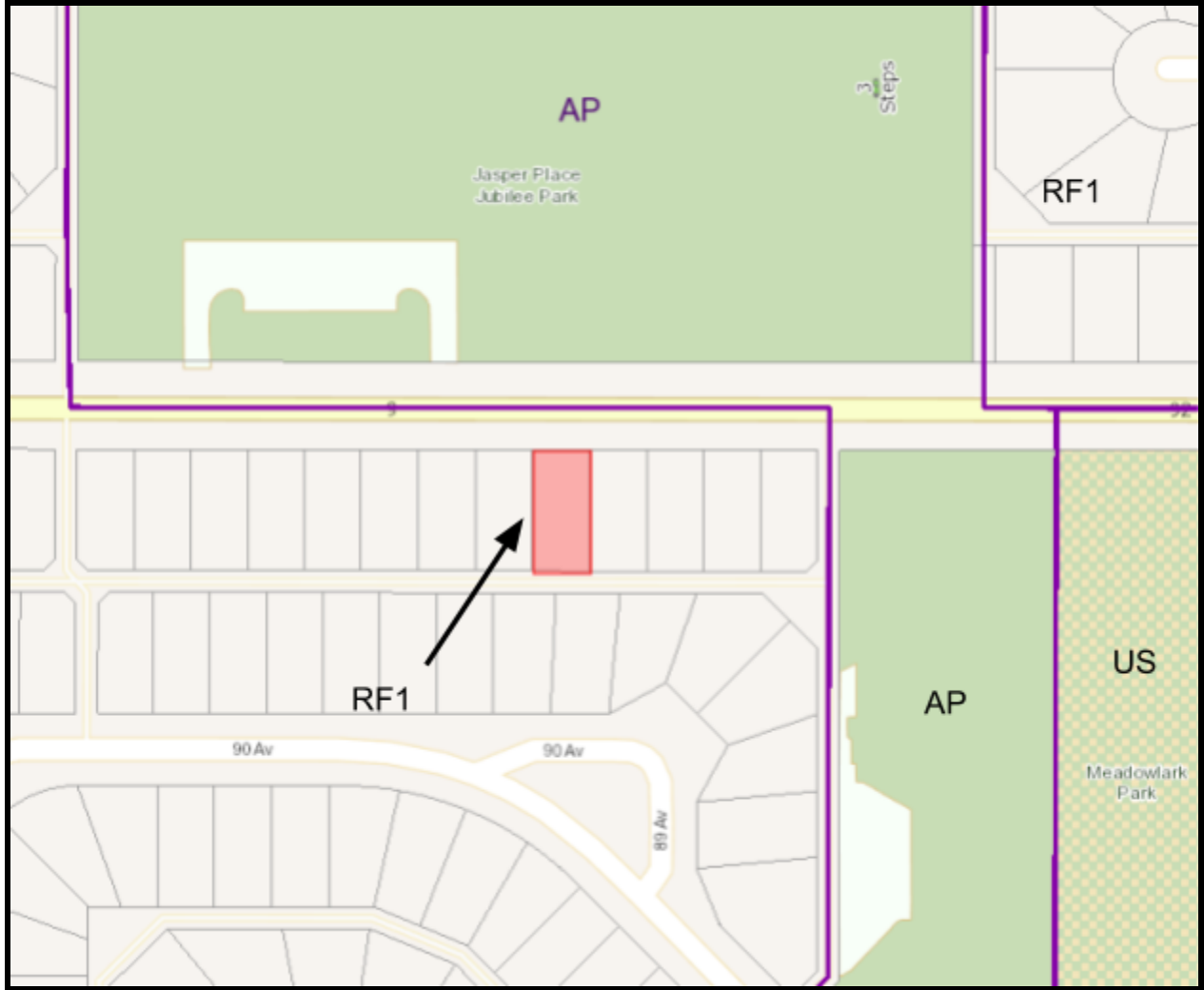
(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order	<p>646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.</p> <p>(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.</p> <p>(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.</p>
Permit	<p>683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.</p>
Grounds for appeal	<p>685(1) If a development authority</p> <ul style="list-style-type: none"> (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, <p>the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.</p> <p>(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.</p> <p>(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).</p> <p>(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district</p> <ul style="list-style-type: none"> (a) is made by a council, there is no appeal to the subdivision and development appeal board, or (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.
Appeals	<p>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</p> <ul style="list-style-type: none"> (a) in the case of an appeal made by a person referred to in section 685(1) <ul style="list-style-type: none"> (i) within 21 days after the date on which the decision is made under section 642, or <ul style="list-style-type: none"> (A) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal. (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, <p>or</p> <ul style="list-style-type: none"> (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

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.
- (2)** The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3)** The subdivision and development appeal board must give at least 5 days notice in writing of the hearing
 - (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4)** The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
 - (a) the application for the development permit, the decision and the notice of appeal, or
 - (b) the order under section 645.
- (4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-004 ▲
N

TO BE RAISED

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-010

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 370742071-002

APPLICATION TO: Construct exterior alterations to an existing Garden Suite
(new Driveway - approximately 3.5m x 17.0m with access
from 29 Avenue)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 20, 2020

DATE OF APPEAL: December 10, 2020

NOTIFICATION PERIOD: November 26, 2020 through December 17, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2847 - 202 Street NW

LEGAL DESCRIPTION: Plan 1721594 Blk 2 Lot 12

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Riverview Area Structure Plan
The Uplands Neighbourhood Structure Plan

Grounds for Appeal

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

SDAB Administration Advisement: Please see the SDAB file to view the Appellant's reasons for appeal.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board at a hearing on December 15, 2020, made and passed the following motion:

“The hearing will be scheduled on January 14, 2021.”

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 clause (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 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

Under section 115.2(2), **Garden Suite** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Section 115.1 states that the **General Purpose** of the **(RSL) Residential Small Lot Zone** is:

to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.

Vehicle Parking Design for Low-density Residential

Section 54.3(3) states:

The Front Yard of any ground level Dwelling that is not part of a Multi-Unit Project Development, or in the case of a corner Site, either the Front Yard or the flanking Side Yard, may include a maximum of one Driveway. [...]


Development Officer's Determination


Driveway - The lot has 2 driveways (access off of 29 Avenue NW and 202 Street NW) instead of a maximum of 1 driveway (Section 54.3.3).

[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.

	Project Number: 370742071-002 Application Date: AUG 19, 2020 Printed: November 20, 2020 at 8:33 PM Page: 1 of 3		
<h2>Driveway Extension Permit</h2>			
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) 2847 - 202 STREET NW Plan 1721594 Blk 2 Lot 12		
Scope of Permit To construct exterior alterations to an existing Garden Suite (new Driveway - approximately 3.5m x 17.0m with access from 29 Avenue).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: </td> <td style="width: 50%;"> Site Area (sq. m.): 743.53 </td> </tr> </table>		Class Of Permit: Class B Stat. Plan Overlay/Annex Area:	Site Area (sq. m.): 743.53
Class Of Permit: Class B Stat. Plan Overlay/Annex Area:	Site Area (sq. m.): 743.53		
Development Permit Decision Approved Issue Date: Nov 20, 2020 Development Authority: WINGET, MARK Subject to the Following Conditions This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1). This Development Permit authorizes the development of exterior alterations to an existing Garden Suite (new Driveway - approximately 3.5m x 17.0m with access from 29 Avenue). The development shall be constructed in accordance with the stamped and approved drawings. Immediately upon completion of the exterior alterations, the site shall be cleared of all debris. As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Section 57.3.1). The applicant/owner shall obtain a Curb Crossing Permit for the proposed access. SUBDIVISION PLANNING CONDITIONS (Karen Harmony): <ol style="list-style-type: none"> 1. There is an existing access to 202 Street. Any modification to the existing access requires the review and approval of Subdivision Planning. 2. The proposed private access, approximately 2.9 m wide to 29 Avenue located approximately 2.8 m west of the east property line, must be constructed as a private crossing to the City of Edmonton Complete Streets Design and Construction Standards. The driveway must maintain a 1 m separation distance from the existing boulevard trees as shown on the Enclosure. The owner/applicant must obtain a Permit to construct the access, available from Development Services, developmentpermits@edmonton.ca. 3. Existing boulevard trees along 29 Avenue are a requirement of the associated subdivision (LDA 14-0566/Riverview Heights Estates Ltd./The Uplands Stage 1A & 1 B); however, the Final Acceptance Certificate (where the City takes ownership) has not been issued. These existing trees may conflict with the proposed additional access for the subject site (Lot 12), as shown on the Enclosure. 			

	Project Number: 370742071-002 Application Date: AUG 19, 2020 Printed: November 20, 2020 at 8:33 PM Page: 2 of 3
<h2 style="margin: 0;">Driveway Extension Permit</h2>	
<p>Should the Final Acceptance Certificate be issued prior to the construction of the proposed access, all costs associated with the potential removal/relocation of existing boulevard trees, as stated in the Corporate Tree Management Policy C456A, will be borne by the owner/applicant. The owner/applicant must contact ciMtrees@edmonton.ca prior to construction, to remove and relocate the trees or to arrange for hoarding and/or root cutting at the discretion and direction of City Operations, Parks and Roads Services.</p> <p>4. There may be utilities within the 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.</p> <p>5. 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:</p> <ul style="list-style-type: none"> •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 •confirmation if crossing the sidewalk and/or boulevard is required to temporarily access the site. <p>It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: https://www.edmonton.ca/business/economy/oscam-permit-request.aspx and https://lwww.edmonton.ca/business/economy/documents/PDF/ConstructionSafety.pdf</p> <p>6. Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. The alley and boulevard will be inspected by Development Inspections prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.</p> <p>ADVISEMENTS:</p> <p>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 (Section 5.2).</p> <p>Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.</p> <p>Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.</p> <p>Variations Driveway - The lot has 2 driveways (access off of 29 Avenue NW and 202 Street NW) instead of a maximum of 1 driveway (Section 54.3.3).</p> <p>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.</p> <p style="text-align: center;">Notice Period Begins: Nov 26, 2020 Ends: Dec 17, 2020</p>	
<p>Building Permit Decision No decision has yet been made.</p>	

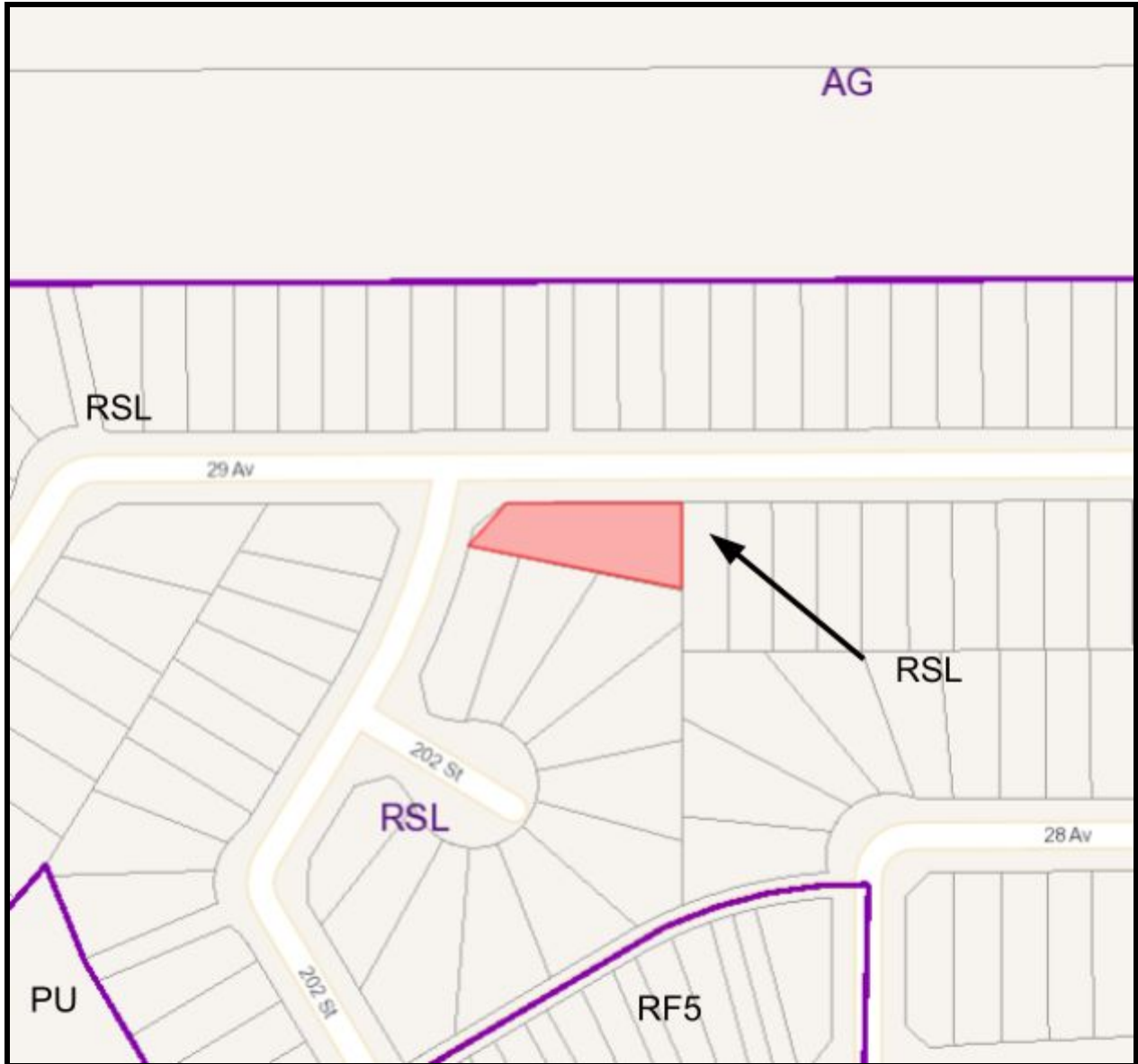


Project Number: **370742071-002**
Application Date: AUG 19, 2020
Printed: November 20, 2020 at 8:33 PM
Page: 3 of 3

Driveway Extension Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$176.00	\$176.00	99126909150J001	Aug 19, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$176.00</u>	<u>\$176.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-010

▲
N