

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
January 14, 2016**

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

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

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- |       |            |               |   |
|-------|------------|---------------|---|
| I     | 9:00 A.M.  | SDAB-D-16-500 | Remove the recreational vehicle from the required front yard (driveway)<br><br>7108 – 39 Avenue NW<br>Project No.: 163697695-001  |
| <hr/> |            |               |   |
| II    | 10:15 A.M. | SDAB-D-16-020 | Construct an Accessory Building (shed, 3.66m x 3.5m), existing without permits<br><br>10902 - 130 Street NW<br>Project No.: 179344911-002   |
| <hr/> |            |               |   |
| III   | 11:30 A.M. | SDAB-D-16-021 | Construct a rear uncovered deck (irregular shape, 4.8m x 5.36m, 0.6 x 2.57m, 2.43 x 2.04m @ 2m in Height), and exterior alterations (Pergola, 4.80 m x 5.38 m) to a Single Detached House, existing without permits<br><br>5816 - 202 Street NW<br>Project No.: 180800189-002 |
| <hr/> |            |               |   |
| IV    | 1:30 P.M.  | SDAB-D-16-022 | Operate a Minor Alcohol Sales Use and to construct interior alterations.<br><br>10503 - Kingsway NW<br>Project No.: 173417068-003   |

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**NOTE:** *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-500

AN APPEAL FROM THE DECISION OF THE MUNICIPAL ENFORCMENT OFFICER

APPELLANT:

APPLICATION NO.: 163697695-001

ADDRESS OF APPELLANT: 7108 – 39 Avenue NW

ORDER TO: Remove the recreational vehicle from the required front yard (driveway)

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: November 18, 2015

DATE OF APPEAL: November 26, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7108 – 39 Avenue NW

LEGAL DESCRIPTION: Plan 3414TR Blk 38 Lot 17

ZONE: RF1 Single Detached Residential Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: None

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***Grounds for Appeal***

The Appellant provided the following reasons for appealing the decision of the Municipal Enforcement Officer:

We built the house in 1974 at 7108 – 39 Avenue NW on a wedge shaped lot. Because of this shape we constructed a concrete parking pad off to one side of our front yard in 1979. We have parked an R.V. there for the past 36 years. Our neighbors agree it is a suitable space. We would ask that you please allow us to continue to park our R.V. there year

around, We are seniors with a limited pension income. Placing our R.V. in storage would be an added expense – at a time when almost everything is costing more.

We also have health and mobility concerns. I have had a total left knee replacement and complex right foot surgery due to psoriatic arthritis. Both surgeries have been unsuccessful to a degree and are to be revisited. My wife has asthma and C.O.P.D. which puts a forced limit on her activities. Due to these health issues we leave everything in our R.V. for the winter bringing in only goods affected by freezing weather. We have a good looking newer R.V. and feel confident it is safe in our yard and that gives us peace of mind. Please relax this bylaw so we can continue to enjoy our retirement. [unedited]

<b><i>General Matters</i></b>
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**Appeal Information:**

The decision of the Municipal Enforcement Officer was appealed by the Appellants, Mr. and Mrs. Morritsma.

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,

The Board is advised that the decision of the Municipal Enforcement Officer is dated November 18, 2015. The Notice of Appeal was filed on November 26, 2015.

**Stop Order:**

The *Municipal Government Act* states:

**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.

**(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.

**Authority of the Subdivision and Development Appeal Board**

The *Municipal Government Act* states:

**Hearing and decision**

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

...

- (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*:**

Pursuant to Section 45.3 of the *Edmonton Zoning Bylaw*:

No person shall keep, in the Front Yard in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle.

**Board Officer's Comments:**

The current version of the *Edmonton Zoning Bylaw 12800* does not define "Recreational Vehicle". However, the former *Land Use Bylaw 5996* defines "large Recreational Vehicle" as follows:

shall include any motorhome, travel trailer, or fifth wheel trailer; any camper when it is not mounted on a truck, but placed on the ground, on a stand or otherwise stored; or any other vehicle or object which, in the opinion of the Development Officer, is deemed to be a large Recreational Vehicle.

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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.

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Date: November 18, 2015

Reference/File No: 163697695-001

# ORDER

(Issued Pursuant to Section 645 of the Municipal Government Act, R.S.A.  
2000 c. M-26)

TO: Charles Jorritsma



AND TO: Maaike Jorritsma



RE: Municipal Address: 7108 39 Avenue, Edmonton, AB T6K 0R6

Legal Description: Plan 3414TR Blk 38 Lot 17

Tax Roll Number: 9279209

(hereinafter referred to as "the property")

As a result of an inspection of the property on November 3, 2015:

I find that the use of the land is not in accordance with the City of Edmonton Zoning Bylaw (Bylaw 12800) as follows:

**Section 45.3 — Large recreational vehicles are not permitted in required front yards or required side yards (on corner lots). However, From April 1 to October 31 of a calendar year large recreational vehicles may be kept in front/side yards of lots with no rear lane access if they are at least 2 meters from the interior edge of the sidewalk or curb if there is no sidewalk.**

**A "Large Recreational Vehicle" shall include any motor home, travel trailer, or fifth wheel trailer; any camper when it is not mounted on a truck, but placed on the ground, on a stand or otherwise stored.**

**THEREFORE YOU ARE ORDERED TO:**

**Remove the recreational vehicle from the required front yard (driveway).**

**YOU MUST COMPLY WITH THIS ORDER BEFORE: December 9, 2015**

**Officer: Javan EMEO #35 Telephone: 780-496-5236  
Complaints and Investigations  
Community Standards Branch**



**OFFENCE FOR NON-COMPLIANCE:**

**Pursuant to Section 557(a.3) of the Municipal Government Act (hereinafter referred to as the "Act") a person who contravenes or does not comply with an order under section 645 is guilty of an offence and liable to prosecution.**

**Pursuant to Section 566(1) of the Act a person who is guilty of an offence is liable,**

- (a) to a fine of not more than \$10 000, or**
  - (b) to imprisonment for not more than one year,**
- or to both fine and imprisonment.**

**[Include the following provision if the City intends to carry out the order. Otherwise delete.]**

**ADDITIONAL CONSEQUENCES FOR NON-COMPLIANCE:**

**Pursuant to Section 646(1) of the Act if a person fails or refuses to comply with an order under section 645 the municipality may, enter on the land or building and take any action necessary to carry out the order.**

**Pursuant to Section 553(1)(h.1) of the Act when an order is carried out under section 646(1) the expenses and costs incurred in carrying out the order may be placed on the tax roll of the property and that amount:**

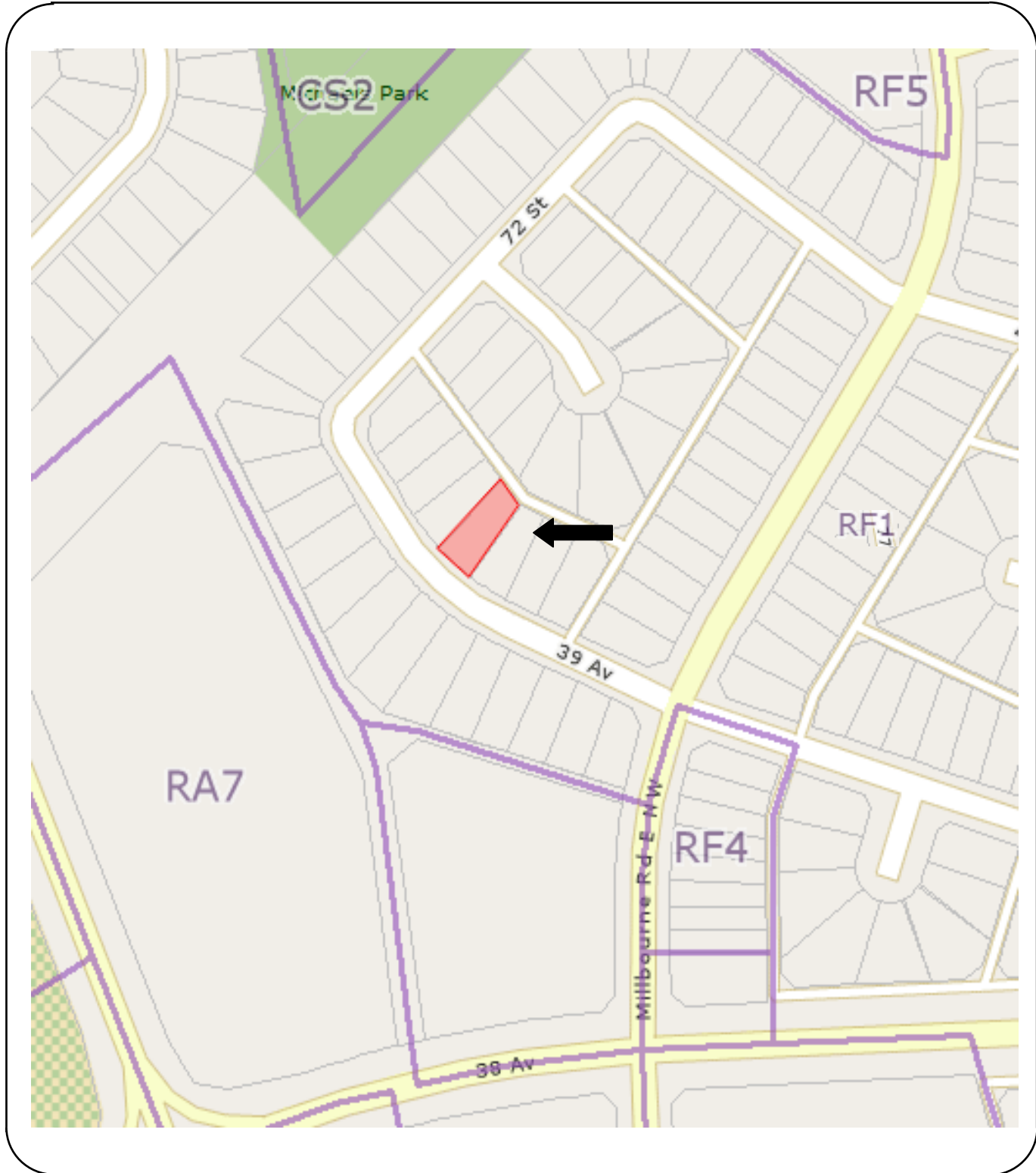
- a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and**
- b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.**

**If you fail to comply with the provisions of this order the City of Edmonton will, at its election, take action to enforce the order by [insert proposed actions to be taken here], all expenses of which will be placed on the tax roll of the property.**

**PROCEDURE FOR STARTING AN APPEAL OF THE ORDER**

**Pursuant to section 685(1) of the Act a person affected by an order under section 645 may appeal to the Subdivision and Development Appeal Board.**

**Pursuant to section 686(1) of the Act an appeal to the Subdivision and Development Appeal Board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days after the date on which the person is notified of the order under section 645.**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-500



ITEM II: 10:15 A.M.

FILE: SDAB-D-16-020

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 179344911-002

ADDRESS OF APPELLANT: 10902 - 130 Street NW

APPLICATION TO: Construct an Accessory Building (shed, 3.66m x 3.5m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 27, 2015

DATE OF APPEAL: December 16, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10902 - 130 STREET NW

LEGAL DESCRIPTION: Plan RN24A Blk 1 Lot 1

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: West Ingle Area Redevelopment Plan

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***Grounds for Appeal***

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

Project Number: 179344911-002 10902-130 Street.

Reasons for Late Filing:

I received a call in late November informing me my development permit was not accepted and that a letter would be sent to me by registered mail. In that conversation I informed the City clerk caller I was leaving the country and would be away on holidays. The caller advised me that I had 14 days after the date that I picked up the letter from the post office, to respond or to make an appeal. It was not made

clear to me it was 14 days from November 27, (the date of the letter). Subsequently, I picked the letter up yesterday (December 15th) and called the city office immediately to inquire about the next steps. I was then advised that I was late in filing.

The reason for the late filing is the information provided to me by the department was unclear as to when the 14 day count began. I was told I had 14 days from the date I picked up the registered letter and not 14 days from the date of the registered letter. Also there was a death in our family so I did not rush to pick the letter up.

Reasons for Filing an Appeal:

1. I was unaware a development permit was required for the shed. I now know this and sincerely apologize for my lack of awareness on this issue. If I had known it was a requirement I would have applied for the permit.
  2. The reason I did not think it was an issue is because there has been a shed in this same location for over 16 years and it has never been a problem. I had run out of storage space for garden tools and equipment and wanted to improve it and make it a bit bigger.
  3. The shed is attractive, it is barely visible, not obstructing anyone's view and is hidden in an unused corner of the property. (Pictures available for perspective.)
  4. I have spoken with my neighbors and many are supportive of allowing the shed to remain as they do not find it offensive and have no issues with it. They have acknowledged it is attractive and blends in nicely with our mature neighborhood.
  5. I now understand your reasons for refusal as outlined in your letter; I was completely unaware of these specifications. I live in a small 1050 sq? foot house and with all the infills and massive houses being built in our mature neighborhood, I am asking to have the permit requirements relaxed for my little shed.
  6. I have lived in this neighborhood for 17 years. I am a good citizen, I pay my taxes, help my neighbors, and I would appreciate the opportunity to present at an appeal hearing.
- Thank you for your time. I look forward to hearing from you. Please confirm you have received this information.  
[unedited]

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

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

The decision of approval by the Development Officer is dated November 27, 2015. The Notice of Appeal was filed on December 16, 2015.

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

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

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

Pursuant to Section 6.1(2), **Accessory** means:

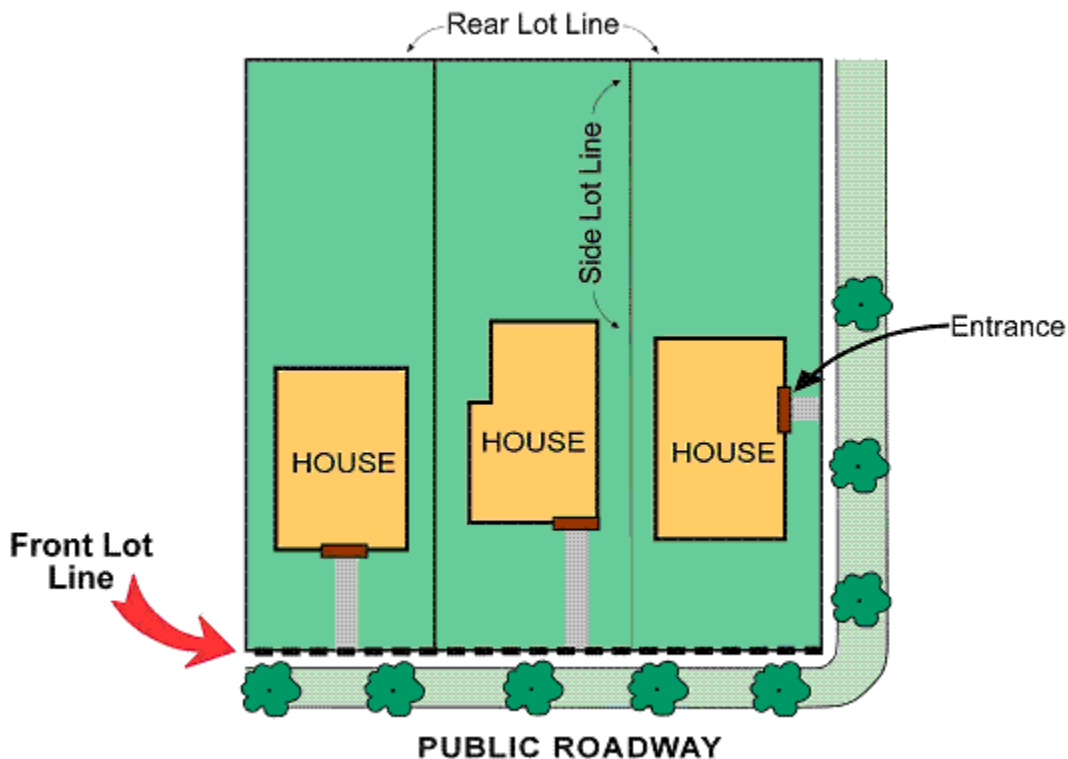
when used to describe a Use of building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, an located on the same lot or Site.

***Accessory Structures Must be a Minimum of 18.0 Metres from the Front Lot Line***

Section 50.3(4)(a) provides that “Accessory buildings or structures shall not be located less than 18.0 metres from the Front Lot line, unless it complies with the Setback requirements for a principal building.”

Pursuant to Section 6.1(38), **Front Lot Line** means:

...**the property line** separating a lot from an abutting public roadway other than a Lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curved corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line;



**Development Officer’s Determination:**

1. Section 50.4(a) - an Accessory building or structure shall be located not less than 18.0 m from the Front Lot Line, unless it complies with the Setback requirements for a principal building;

Required: 18.0m  
Proposed: 13.3m  
Deficient by: 4.7m [unedited]

***Accessory Structures Must be a Minimum of 0.9 Metres from a Principal Building***

Section 50.3(4)(c) provides that “an Accessory building or structure shall be located not less than 0.9m from a principal building and any other Accessory building or structure.”

**Development Officer’s Determination:**

2. Section 50.4(c) - an Accessory building or structure shall be located not less than 0.9 m from a principal building;

Required: 0.9m  
Proposed: 0.1m  
Deficient by: 0.8m [unedited]

***Distance Between Accessory Building and Lot Line***

Section 50.3(5)(a) provides that:

in addition to the provisions of subsection 50.3(4)(b), and subject to subsection 50.3(5)(b), the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building;

**Development Officer’s Determination:**

3. Section 50.5(a) - the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building;

Required: 3.05m  
Proposed: 0.1m  
Deficient by: 2.95m [unedited]



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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.

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	Project Number: <b>179344911-002</b> Application Date: OCT 01, 2015 Printed: January 5, 2016 at 2:26 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">Accessory Building Development and Building Permit</h1>			
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			
<b>Applicant</b>  LATIMER, JACKIE 	<b>Property Address(es) and Legal Description(s)</b> 10902 - 130 STREET NW Plan RN24A Blk 1 Lot 1		
<b>Scope of Application</b> To construct an Accessory Building (shed, 3.66m x 3.5m), existing without permits.			
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Building Area (sq. ft.): 138                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class A                      Type of Accessory Building: Shed (040)                 </td> </tr> </table>		Building Area (sq. ft.): 138 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class A Type of Accessory Building: Shed (040)
Building Area (sq. ft.): 138 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class A Type of Accessory Building: Shed (040)		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Reasons for Refusal</b> 1. Section 50.4(a) - an Accessory building or structure shall be located not less than 18.0 m from the Front Lot Line, unless it complies with the Setback requirements for a principal building;  Required: 18.0m Proposed: 13.3m Deficient by: 4.7m  2. Section 50.4(c) - an Accessory building or structure shall be located not less than 0.9 m from a principal building;  Required: 0.9m Proposed: 0.1m Deficient by: 0.8m  3. Section 50.5(a) - the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building;  Required: 3.05m Proposed: 0.1m Deficient by: 2.95m  <b>Rights of Appeal</b> 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 27, 2015    Development Authority: HAMILTON, FIONA    Signature: _____			
<b>THIS IS NOT A PERMIT</b>			



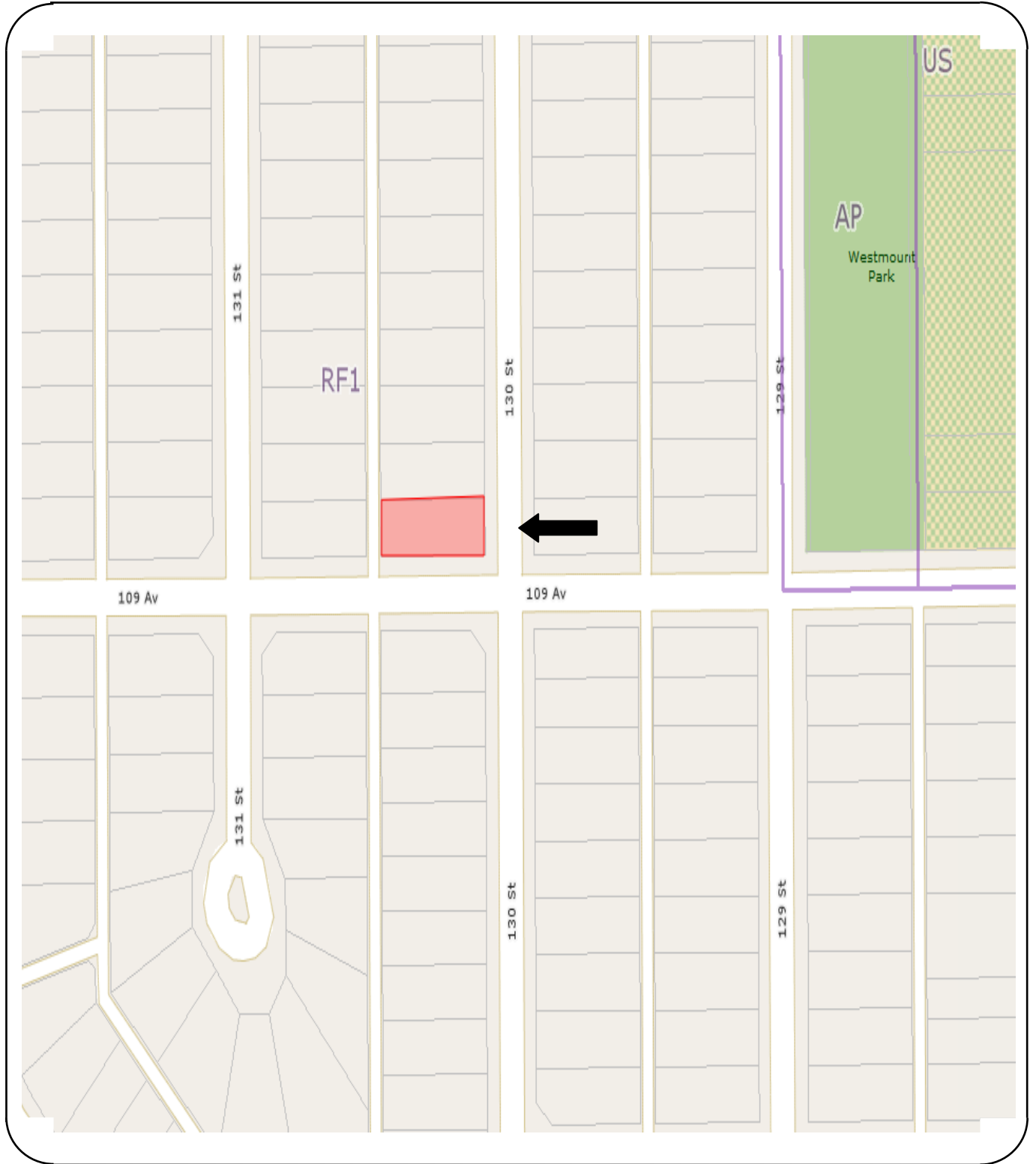
Project Number: **179344911-002**  
Application Date: OCT 01, 2015  
Printed: January 5, 2016 at 2:26 PM  
Page: 2 of 2

## Application for Accessory Building Development and Building Permit

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	02790266	Oct 01, 2015
Dev. Application Fee	\$105.00	\$105.00	02790266	Oct 01, 2015
Building Permit Fee	\$100.00	\$100.00	02790266	Oct 01, 2015
Existing Without Building Permit Penalty Fee	\$100.00	\$100.00	02790266	Oct 01, 2015
Existing Without Development Permit Penalty Fee	\$105.00	\$105.00	02790266	Oct 01, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$414.50	\$414.50		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-020



ITEM III: 11:30 A.M.

FILE: SDAB-D-16-021

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180800189-002

ADDRESS OF APPELLANT: 5816 - 202 Street NW

APPLICATION TO: Construct a rear uncovered deck (irregular shape, 4.8m x 5.36m, 0.6 x 2.57m, 2.43 x 2.04m @ 2m in Height), and exterior alterations (Pergola, 4.80 m x 5.38 m) to a Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 1, 2015

DATE OF APPEAL: December 14, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5816 - 202 STREET NW

LEGAL DESCRIPTION: Plan 0523619 Blk 30 Lot 62

ZONE: RPL Planned Lot Residential Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: The Grange Area Structure Plan  
The Hamptons Neighbourhood Structure Plan

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***Grounds for Appeal***

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

The deck can be modified to make it comply. There is support from one neighbour. I was unable to contact the other neighbour but I am willing to add privacy screening on that side. [unedited]

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

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

The decision of the Development Officer is dated December 1, 2015. The Notice of Appeal was filed on December 14, 2015.

***General Purpose of the RPL Planned Lot Residential Zone***

Section 130.1 provides that the **General Purpose** of the **RPL Planned Lot Residential Zone** is:

to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.

**Development Officer’s Determination:**

1. In the opinion of Development Officer, the existing rear deck with pergola is not in accordance with the general purpose of the Planned Lot residential (RPL) Zone. The general purpose of this Zone is to provide opportunity for efficient utilization of land, while maintaining the privacy and independence afforded by Single Detached Housing forms. The existing deck is 2m in Height allows clear view to the abutting properties, therefore impacts privacy of the two sides adjacent properties. (Section 130.1) [unedited]

***Maximum Site Coverage for Principal Building with Attached Garage***

Pursuant to Section 130.4(3)(a), the Maximum Site coverage for a Principal Building with an attached garage is 47%, as set out in the table below.

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached Housing	35%	17%	47%	47%
b. Single Detached Housing - one Side Setback reduced to zero	38%	17%	53%	53%
c. All other Uses	35%	17%	47%	47%

Section 50.1(4) reads as follows:

Where any building or structure on a Site is attached to a principal building on the Site by a roof, an open or enclosed structure above Grade, a floor or a foundation which is above Grade, or any structure below Grade allowing access between the buildings such as a Parking Garage or a corridor or passageway connecting the buildings, it is a part of the principal building and is not an Accessory building.

**Development Officer’s Determination:**

2. The maximum Site Coverage for a Principal Building with attached Garage is 47%. (Section 130.4.3(a)) The proposed Site Coverage is 53.66% (94.69 m2 for the Principal house + 32.23 m2 for the Deck + 37.21 m2 for the Garage =164.13 m2 /317.05m2 for the Site = 52% coverage). It is exceeded by 5%. (Note: The proposed rear deck and pergola structure attaches the rear Accessory Building (Garage) to the Principal building, therefore the Garage is considered part of the Principal Building .(Section 50.1(4)) [unedited]

***Rear Yard Setback***

Section 130.4(6) provides that “ the Rear Yard shall be based on a consideration of the requirements of clauses 3, 7, 8 and 9 and in no case shall be less than [4.0 m.](#)”

**Development Officer’s Determination:**


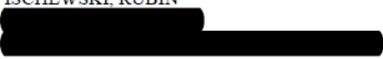
3. Based on a consideration of the requirements of Sections 3, 7, 8 and 9, the Rear Yard shall be no less than 4.0m. The existing rear setback is 2.75m instead of 4.0m, deficient by 1.25m. (Section 130.4(6)) [unedited]

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**Notice to Applicant/Appellant**

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.

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	<h2 style="margin: 0;">Application for Deck Development and Building Permit</h2>	Project Number: <b>180800189-002</b> Application Date: <b>OCT 20, 2015</b> Printed: <b>January 5, 2016 at 4:01 PM</b> Page: <b>1 of 2</b>		
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				
<b>Applicant</b>  ISCHEWSKI, RUBIN 	<b>Property Address(es) and Legal Description(s)</b> 5816 - 202 STREET NW Plan 0523619 Blk 30 Lot 62			
<b>Scope of Application</b> To construct a rear uncovered deck (irregular shape, 4.8m x 5.36m, 0.6 x 2.57m, 2.43 x 2.04m @ 2m in Height), and exterior alterations (Pergola, 4.80 m x 5.38 m) to a Single Detached House, existing without permits.				
<b>Permit Details</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding: 5px;">                     Class of Permit: Class A                      Guardrail (decks):                      Stat. Plan Overlay/Annex Area:                 </td> <td style="width: 50%; padding: 5px;">                     Deck Height Above Grade:                      Size of Structure(s):                      Total Deck (Railing) Height Above Grade:                 </td> </tr> </table>			Class of Permit: Class A Guardrail (decks): Stat. Plan Overlay/Annex Area:	Deck Height Above Grade: Size of Structure(s): Total Deck (Railing) Height Above Grade:
Class of Permit: Class A Guardrail (decks): Stat. Plan Overlay/Annex Area:	Deck Height Above Grade: Size of Structure(s): Total Deck (Railing) Height Above Grade:			
I/We certify that the above noted details are correct. Applicant signature: _____				
<b>Development Application Decision</b> Refused  <b>Reasons for Refusal</b> This existing rear deck with a pergola development is refused for the following reasons:  <ol style="list-style-type: none"> <li>1. In the opinion of Development Officer, the existing rear deck with pergola is not in accordance with the general purpose of the Planned Lot residential (RPL) Zone. The general purpose of this Zone is to provide opportunity for efficient utilization of land, while maintaining the privacy and independence afforded by Single Detached Housing forms. The existing deck is 2m in Height allows clear view to the abutting properties, therefore impacts privacy of the two sides adjacent properties. (Section 130.1)</li>   <li>2. The maximum Site Coverage for a Principal Building with attached Garage is 47%. (Section 130.4.3(a)) The proposed Site Coverage is 53.66% (94.69 m<sup>2</sup> for the Principal house + 32.23 m<sup>2</sup> for the Deck + 37.21 m<sup>2</sup> for the Garage =164.13 m<sup>2</sup> / 317.05m<sup>2</sup> for the Site = 52% coverage). It is exceeded by 5%.                      (Note: The proposed rear deck and pergola structure attaches the rear Accessory Building (Garage) to the Principal building, therefore the Garage is considered part of the Principal Building .(Section 50.1(4))</li>   <li>3. Based on a consideration of the requirements of Sections 3, 7, 8 and 9, the Rear Yard shall be no less than 4.0m. The existing rear setback is 2.75m instead of 4.0m, deficient by 1.25m. (Section 130.4(6))</li> </ol> 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.				
<b>Issue Date:</b> Dec 01, 2015 <b>Development Authority:</b> LAI, ECHO <b>Signature:</b> _____				
<b>THIS IS NOT A PERMIT</b>				





Project Number: **180800189-002**  
Application Date: OCT 20, 2015  
Printed: January 5, 2016 at 4:01 PM  
Page: 2 of 2

## Application for Deck Development and Building Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Building Permit Fee	\$100.00	\$100.00	02833224	Oct 20, 2015
Dev. Application Fee	\$105.00	\$105.00	02833224	Oct 20, 2015
Safety Codes Fee	\$4.50	\$4.50	02833224	Oct 20, 2015
Existing Without Permit Penalty Fee	\$205.00	\$205.00	02833224	Oct 20, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$414.50	\$414.50		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-021



ITEM IV: 1:30 P.M.

FILE: SDAB-D-16-022

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 173417068-003

ADDRESS OF APPELLANT: 10503 - Kingsway NW

APPLICATION TO: operate a Minor Alcohol Sales Use and to construct interior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 10, 2015

DATE OF APPEAL: December 17, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10503 - Kingsway NW

LEGAL DESCRIPTION: Plan 1420932 Blk V Lot 1

ZONE: CB2 General Business Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: Central McDougall/Queen Mary Park Area Redevelopment Plan

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***Grounds for Appeal***

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

The application was denied, in part, because of the alleged 500 m separation distance between the subject site and another liquor store. However, there should be an existing Development Permit for Minor Alcohol Sales for the subject site, which was improperly cancelled.

Regardless of the above, the appeal should be allowed and the variances granted, as the proposed development will not unduly interfere with the amenities of the neighbourhood or reduce the use, value or enjoyment of neighbouring lands. [unedited]

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

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

The decision of the Development Officer is dated December 10, 2015. The Notice of Appeal was filed on December 17, 2015.

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

Pursuant to Section 340.1, the **General Purpose** of the **CB2 General Business Zone** is “to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.”

Pursuant to Section 340.3(18), **Minor Alcohol Sales Use** is a **Discretionary Use** in the **CB2 General Business Zone**.

Pursuant to Section 7.4(32) **Minor Alcohol Sales** means:

... development used for the retail sale of any and all types of alcoholic beverages to the public. This Use Class may include retail sales of related products such as soft drinks and snack foods. The maximum Floor Area for this Use Class shall be no more than 275 square metres per individual business premises.

***Distance Between Other Major or Minor Alcohol Sales Use Businesses***

Section 85(3)(a) reads as follows:

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

- a. the 500.0 m separation distance shall be measured from the closest point of the Major or Minor Alcohol Sales Use to the closest point of any other existing or approved Major or Minor Alcohol Sales Use.

**Development Officer's Determination:**

1) Any Major or Minor Alcohol Sales Use shall not be located closer than 500.0 m from any other Major or Minor Alcohol Sales Use. For the purposes of this subsection only: the 500.0 m separation distance shall be measured from the closest point of the Major or Minor Alcohol Sales Use to the closest point of any other existing or approved Major or Minor Alcohol Sales Use.(Reference Section 85(3)(a)).

Required separation distance : 500.0m

Proposed Minor Alcohol Sales is 123.4m away from Unit -108, 10611 Kingsway NW ( 178546662-001, SDAB-D-15-271) and 498.5m away from 10138 - 111 Avenue locations (605429-001)

Deficient by: 376.6m and 1.50m. [unedited]

***Distance Between Other Major or Minor Alcohol Sales Use Businesses***

Section 85(6) reads as follows:

any Site containing Major or [Minor Alcohol Sales](#) Use Classes shall not be located closer than [100.0 m](#) to any Site being actively used for community or recreation activities, public parks, or public or private education at the time of the application for the Development Permit for the Alcohol Sales Use Class. Sites that are greater than 2 ha in size and that are zoned either as [CSC](#) or as [DC2](#), are exempted from this restriction. For the purposes of this subsection only:

Section 85(6)(b) limits the term **Community of Recreation Activities** as follows:

the term "community or recreation activities" is limited to Community Recreation Services Uses, as defined in subsection [7.8\(1\)](#) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas.

This term does not include arenas or other public assembly Uses, [Child Care Services](#), [Public Libraries and Cultural Exhibits](#) or [Religious Assembly](#);

Section 85(6)(d) limits **Public Parks** as follows:

the term "public parks" is limited to park Sites zoned as [AP Zone](#), and active recreation areas in the river valley that are zoned as [A Zone](#); it does not include passive river valley areas and other areas zoned as [A Zone](#);

**Development Officer's Determination:**

2) Any Site containing Major or Minor Alcohol Sales Use Classes shall not be located closer than 100.0 m to any Site being actively used for community or recreation activities, public parks, or public or private education at the time of the application for the Development Permit for the Alcohol Sales Use Class (reference Section 85(6)).

The term "community or recreation activities" is limited to Community Recreation Services Uses, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits or Religious Assembly. (Reference Section 85(6)(b)).

The term "public parks" is limited to park Sites zoned as AP Zone (Reference Section 85(6)(d)).

Proposed Minor Alcohol Sales is 94.5m away from the "community or recreation activities" (Central McDougall Park) which is in AP zone.  
Required separation distance : 100.0m  
Proposed separation distance : 94.5m  
Deficient by: 5.50m [unedited]

***Parking***

Pursuant to Section 54.2(21) Schedule 1, the parking requirements for **Minor Alcohol Sales** is:

1 parking space per [31.3 m<sup>2</sup>](#) of Floor Area.

Section 54.1(2)(h) provides as follows:

In the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be

deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit.

**Development Officer's Determination:**

3) In the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. (Reference Sections 54.2, Schedule 1 & 54.1(2)(h).


Overall off street parking spaces required for site: 157 spaces  
Existing off street parking spaces on site: 139 spaces  
Deficient by: 18 spaces [unedited]

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**Notice to Applicant/Appellant**

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.

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	Project Number: <b>173417068-003</b> Application Date: DEC 07, 2015 Printed: January 7, 2016 at 4:15 PM Page: 1 of 3		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
<b>Applicant</b>  FIRST CAPITAL REALTY 	<b>Property Address(es) and Legal Description(s)</b> 10503 - KINGSWAY NW Plan 1420932 Blk V Lot 1  <b>Specific Address(es)</b> Entryway: 10555 - KINGSWAY NW Building: 10547 - KINGSWAY NW		
<b>Scope of Application</b> To operate a Minor Alcohol Sales Use and to construct interior alterations.			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">           Class of Permit: Class B            Gross Floor Area (sq.m.): 118.5            New Sewer Service Required: N            Site Area (sq. m.):         </td> <td style="width: 50%; border: none; vertical-align: top;">           Contact Person:            Lot Grading Needed?: N            NumberOfMainFloorDwellings:            Stat. Plan Overlay/Annex Area: (none)         </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 118.5 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 118.5 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct. Applicant signature: _____			
<b>Development Application Decision</b> Refused			
<b>THIS IS NOT A PERMIT</b>			





Project Number: **173417068-003**  
 Application Date: DEC 07, 2015  
 Printed: January 7, 2016 at 4:15 PM  
 Page: 2 of 3

## Application for Major Development Permit

**Reason for Refusal**

1) Any Major or Minor Alcohol Sales Use shall not be located closer than 500.0 m from any other Major or Minor Alcohol Sales Use. For the purposes of this subsection only:  
 the 500.0 m separation distance shall be measured from the closest point of the Major or Minor Alcohol Sales Use to the closest point of any other existing or approved Major or Minor Alcohol Sales Use. (Reference Section 85(3)(a)).

Required separation distance : 500.0m  
 Proposed Minor Alcohol Sales is 123.4m away from Unit -108, 10611-Kingsway NW ( 178546662-001, SDAB-D-15-271) and 498.5m away from 10138 - 111 Avenue locations (605429-001)  
 Deficient by: 376.6m and 1.50m.

2) Any Site containing Major or Minor Alcohol Sales Use Classes shall not be located closer than 100.0 m to any Site being actively used for community or recreation activities, public parks, or public or private education at the time of the application for the Development Permit for the Alcohol Sales Use Class (reference Section 85(6)).

The term "community or recreation activities" is limited to Community Recreation Services Uses, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits or Religious Assembly. (Reference Section 85(6)(b)).

The term "public parks" is limited to park Sites zoned as AP Zone (Reference Section 85(6)(d)).

Proposed Minor Alcohol Sales is 94.5m away from the "community or recreation activities" (Central McDougall Park) which is in AP zone.  
 Required separation distance : 100.0m  
 Proposed separation distance : 94.5m  
 Deficient by: 5.50m

3) In the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. (Reference Sections 54.2, Schedule 1 & 54.1(2)(h)).

Overall off street parking spaces required for site: 157 spaces  
 Existing off street parking spaces on site: 139 spaces  
 Deficient by: 18 spaces

Advisement:  
 The Minor Alcohol Sales business requires a net increase of 0 spaces from previous General Retail store.

**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: Dec 10, 2015    Development Authority: SHAH, NIKHIL    Signature: \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$316.00	\$316.00	02939386	Dec 07, 2015

**THIS IS NOT A PERMIT**



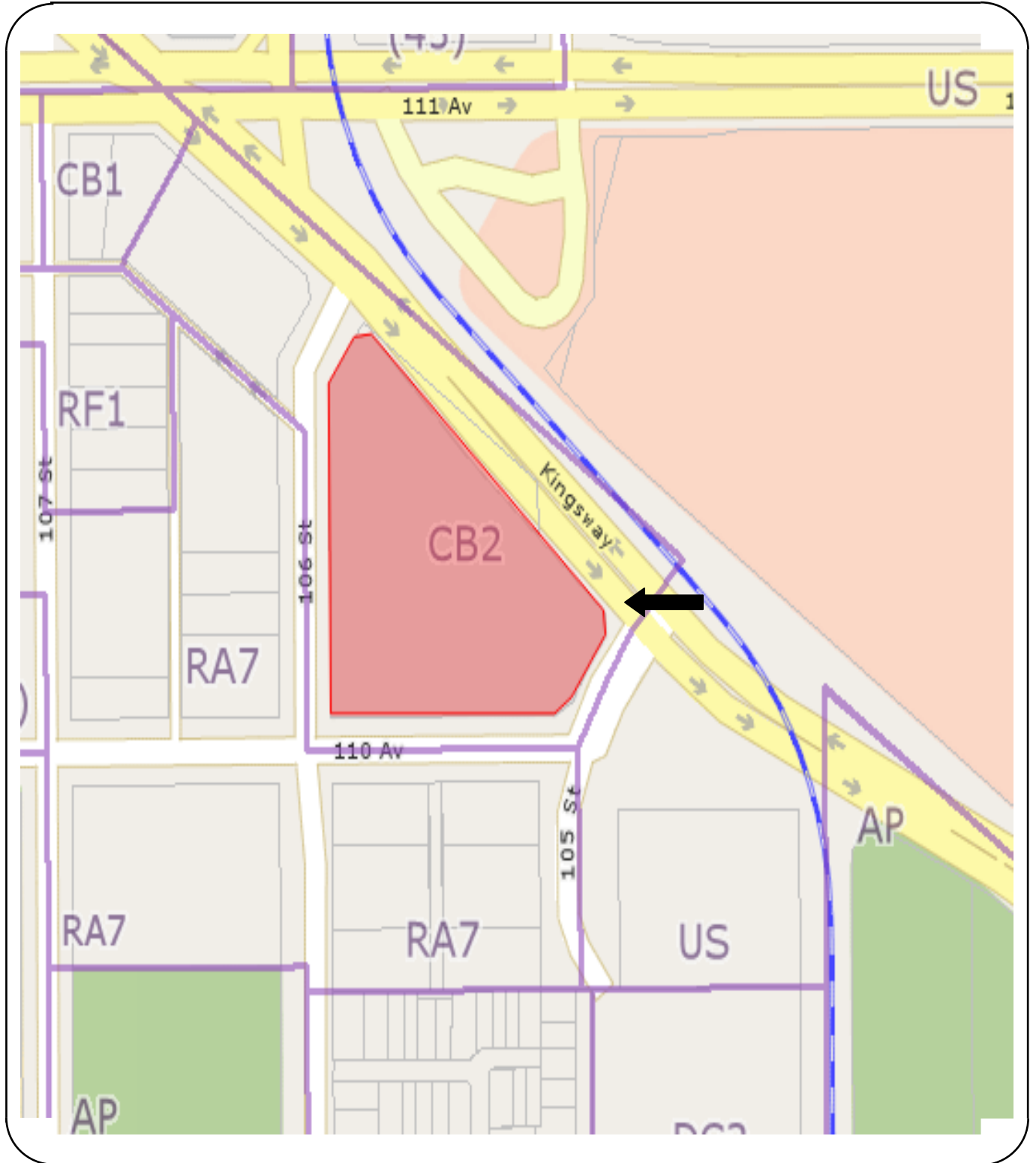
## Application for Major Development Permit

Project Number: **173417068-003**  
Application Date: DEC 07, 2015  
Printed: January 7, 2016 at 4:15 PM  
Page: 3 of 3

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
DP Notification Fee	\$100.00	\$100.00	02939386	Dec 07, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$416.00	<u>\$416.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-022



**BUSINESS LAID OVER**

SDAB-D-16-001	An appeal by Joseph D'Andrea to to develop a Secondary Suite in the Basement of a Single Detached House, existing without permits. <b><i>February 4, 2016</i></b>
SDAB-D-15-252	An appeal by <u>Southwest Muslim Community Centre</u> to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <b><i>February 10 or 11, 2016</i></b>
SDAB-D-15-238	An appeal by <u>Ogilvie LLP</u> to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <b><i>February 17 or 18, 2016</i></b>
SDAB-D-15-285	An appeal by <u>Sakaw Daycare</u> to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <b><i>March 2 or 3, 2016</i></b>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <b><i>March 9 or 10, 2016</i></b>

**APPEAL HEARINGS TO BE SCHEDULED**

159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Singe Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <b><i>January 21, 2016</i></b>
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