

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**January 6, 2022**

## **SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I      9:00 A.M.      SDAB-D-22-001

Change the Use from a General Retail Store to a Liquor Store, and to construct interior and exterior alterations, Building #6 (refer to DP #376719185-002)

7030 - Ellerslie Road SW  
Project No.: 412197971-002

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II      11:00 A.M.      SDAB-D-22-002

Operate a Major Home Based Business with storage of enclosed 12' trailer on front driveway (Administration office for Construction Business). Expires Nov. 10, 2026

3703 - Cameron Heights Place NW  
Project No.: 410811770-001

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III    2:00 P.M.      SDAB-D-22-004

Construct exterior alterations to a Single Detached House (Driveway extension, 1.83m x 7.30m))

3615 - 15A Street NW  
Project No.: 406890376-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-22-001

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 412197971-002

APPLICATION TO: Change the Use from a General Retail Store to a Liquor Store, and to construct interior and exterior alterations, Building #6 (refer to DP #376719185-002)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 16, 2021

DATE OF APPEAL: December 1, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 7030 - Ellerslie Road SW

LEGAL DESCRIPTION: Plan 3027KS Blk 1 Lot G

ZONE: DC2.1175 - Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Ellerslie Area Structure Plan

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***Grounds for Appeal***

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

In our approval, the development officer did not follow Council's directions specified in the DC2, thus issuing the DP in error.

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

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

**Grounds for Appeal**

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

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

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

...

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**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.

**685(4)** Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (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.

**General Provisions from the DC2.1175 - Site Specific Development Control Provision ("DC2"):**

Under section DC2.1175.3.o, a **Liquor Store** is a **Listed Use** in the **DC2**.

Section DC2.1175.1 states that the **General Purpose** of the **DC2** is "to provide for low intensity commercial, office and service uses, and limited Residential-related Uses to serve the needs of the surrounding communities."

Section DC2.1175.4.m states:

- m. Notwithstanding Section 85(2) and 85(4) of the Zoning Bylaw, Liquor Stores shall be within 500 metres of another Liquor Store, provided that:
  - i. the Liquor Stores are located on separate Sites;
  - ii. at least one Liquor Store is located on a Site greater than 2.4 ha in size; and
  - iii. the Liquor Store maintains a 95m separation distance from the closest point of any Liquor Store Use to the boundary of a site containing community or recreation activities, public or private education, or public lands at the time of application for the Development Permit.

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

Under section 7.4(30), **Liquor Store** means “development used for the retail sale of any and all types of alcoholic beverages to the public for off-site consumption. This Use may include retail sales of related products such as soft drinks and snack foods.”

<b><i>Section 85 - Liquor Stores</i></b>
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1. Any Liquor Store shall not be located less than 500 m from any other Liquor Store.
2. Notwithstanding subsection 85(1), a Liquor Store may be located less than 500 m from any other Liquor Store if located:
  - a. outside the boundary shown in Appendix 1 to Section 85, provided:
    - i. the Liquor Stores are located on separate Sites, and
    - ii. at least one Liquor Store is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3.
3. For the purposes of Section 85, the 500 m separation distance shall be measured from the closest point of the Liquor Store to the closest point of any other approved Liquor Store.
4. Any Site containing a Liquor Store shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the Liquor Store. Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, are exempt from this restriction. For the purposes of this subsection only:
  - a. the 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
  - b. the term "community or recreation activities" is limited to Community Recreation Services, 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;
  - c. the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools; and

- d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
- 5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 85(4).
- 6. Notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9).
- 7. When the Development Officer receives an application for a Development Permit that is for the purpose of accommodating the temporary relocation of an approved Liquor Store within 500 m of its original location, a variance to subsection 85(1) or subsection 85(2) may be granted where:
  - a. the application for the Development Permit is for a Temporary Development, in order to limit the introduction of an additional Liquor Store within 500 m of the original approved Development Permit;
  - b. the temporary location for any Liquor Store is not within 500 m of any legally conforming Liquor Store; and
  - c. the application for a Development Permit will not result in a total Floor Area for a Liquor Store that is 10.0% greater than the Floor Area of the existing approved Liquor Store, to a maximum increase of 50 m<sup>2</sup>.
- 8. When a Development Officer receives an application for a Development Permit that is for the purpose of accommodating the reversion of an existing approved Liquor Store back to its original location on a Site, a variance of subsection 85(1) or subsection 85(2) may only be granted where the application for the reversion is submitted to the Development Officer within 5 years of the date of vacating the original location and the application will not result in a total Floor Area that is greater than the original approved Liquor Store.
- 9. The issuance of a Development Permit which contains a variance pursuant to subsection 85(7) shall be issued as a Temporary Development for a duration of up to 5 years or less, to be determined by the Development Officer.
- 10. The Development Officer may require lighting, signage or screening measures that ensure the proposed development is compatible with adjacent or nearby Residential Uses or Commercial Uses.
- 11. Liquor Stores shall include the following to allow for natural surveillance to promote safe surroundings:
  - a. Customer access is oriented to:
    - i. a public or internal roadway, other than a Lane;

- ii. a shopping centre parking lot in front of the store; or
  - iii. a mall access that allows visibility from the interior of the mall into the store.
- b. Premises located at ground level shall include:
- i. Ample transparency to maintain sight lines into and out of the premises. To ensure transparency and sight lines are maintained:
    - 1. Not more than 10% of the windows may be covered by Signs, the remainder shall be clear, untinted, and free from obstruction.
  - ii. Outdoor lighting is required to provide a well-lit environment for pedestrians entering and exiting the premises and to illuminate the property. The Development Officer shall require the applicant to provide a plan showing the location and details of perimeter lighting to ensure adequate lighting.
  - iii. Landscaping shall be located such that it does not obstruct sight lines into the premises.

**Development Officer's Determination**

**You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 20.2 of the Edmonton Zoning Bylaw.**

**Note: The proposed development complies with the Zoning Bylaw and there are no variances to development regulations.**

[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.

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		Project Number: <b>412197971-002</b> Application Date: OCT 22, 2021 Printed: November 16, 2021 at 8:50 AM Page: 1 of 3	
<h2>Major Development 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.			
<b>Applicant</b>		<b>Property Address(es) and Legal Description(s)</b> 7030 - ELLERSLIE ROAD SW Plan 3027KS Blk 1 Lot G	
		<b>Specific Address(es)</b> Suite: 7086 - ELLERSLIE ROAD SW Suite: 7090 - ELLERSLIE ROAD SW Suite: 7094 - ELLERSLIE ROAD SW Entryway: 7086 - ELLERSLIE ROAD SW Entryway: 7090 - ELLERSLIE ROAD SW Entryway: 7094 - ELLERSLIE ROAD SW Building: 7066 - ELLERSLIE ROAD SW	
<b>Scope of Permit</b> To change the Use from a General Retail Store to a Liquor Store, and to construct interior and exterior alterations, Building #6 (refer to DP #376719185-002).			
<b>Permit Details</b>			
Class of Permit: Class B Gross Floor Area (sq.m.): 247.54 New Sewer Service Required: Site Area (sq. m.): 12144.72		Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)	
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Nov 16, 2021 <b>Development Authority:</b> TODD, ADAM			



Project Number: **412197971-002**  
 Application Date: OCT 22, 2021  
 Printed: November 16, 2021 at 8:50 AM  
 Page: 2 of 3

## Major Development Permit

### Subject to the Following Conditions

#### Zoning Conditions:

This Development Permit authorizes the change of Use from a General Retail Store to a Liquor Store, and to construct interior and exterior alterations, Building #6 (refer to DP #376719185-002). The development shall be constructed in accordance with the stamped and approved drawings. Any revisions to the approved plans requires a separate Development Permit application.

The Development Permit shall not be valid unless and until the time for filing a notice of appeal to the Subdivision and Development Appeal Board as specified in subsection 21(1) of the Zoning Bylaw and the Municipal Government Act has passed. (Reference subsection 17.1(1)(b)).

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback (Reference subsection DC2.1175(4)(f)).

All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building (Reference subsection DC2.1175(4)(h)).

Not more than 10% of the windows may be covered by Signs, the remainder shall be clear, untinted, and free from obstruction. (Reference subsection 85(11)(b)(i)(1)).

Outdoor lighting is required to provide a well-lit environment for pedestrians entering and exiting the premises and to illuminate the property. (Reference subsection 85(11)(b)(ii)).

Landscaping shall be located such that it does not obstruct sight lines into the premises. (Reference subsection 85(11)(b)(iii)).

### Subject to the Following Advisements

#### Zoning Advisements:

Signs require separate Development Permit applications. Signs shall comply with the regulations found in schedule 59F of the Zoning Bylaw.

A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

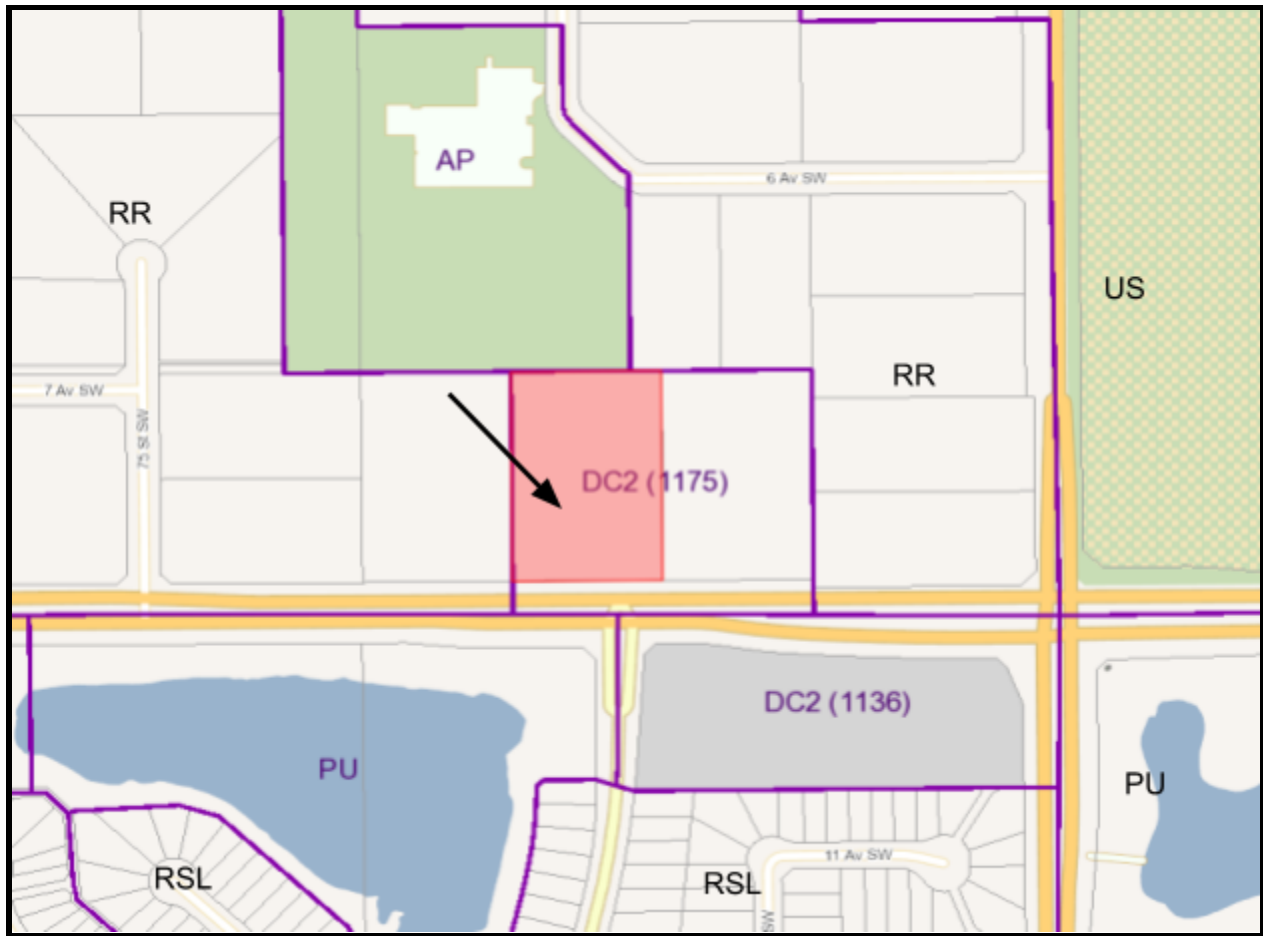
An approved Development Permit means that the proposed development has been reviewed against the provisions of this Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act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

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

### Variances

You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 20.2 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Zoning Bylaw and there are no variances to development regulations.



ITEM II: 11:00 A.M.

FILE: SDAB-D-22-002

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 410811770-001

APPLICATION TO: Operate a Major Home Based Business with storage of enclosed 12' trailer on front driveway (Administration office for Construction Business). Expires Nov. 10, 2026

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 10, 2021

DATE OF APPEAL: December 4, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 3703 - Cameron Heights Place NW

LEGAL DESCRIPTION: Plan 1320257 Blk 14 Lot 36

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Cameron Heights Neighbourhood Structure Plan

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***Grounds for Appeal***

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

We moved into this neighborhood to get away from things like permanent trailers parked in driveways and pay almost \$16,000 / year in property taxes for the privilege of living here. Any permanent trailer will seriously detract from our neighborhood as we will be forced to look at it all day

every day. This is also the first house as you drive into our culdesac so it will be the first thing everyone sees as they drive in. This should never be allowed in this type of neighborhood.

<b><i>General Matters</i></b>
-------------------------------

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

...

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**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 board hearing the appeal referred to in subsection (1)

...

- (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 (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

and

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

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

Under section 115.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RSL) Residential Small Lot Zone**.

Under section 7.3(6), **Major Home Based Business** means:

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

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.

<b><i>Outdoor Storage</i></b>
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**Development Officer's Determination**

**Outdoor storage - Permit the storage of one enclosed trailer associated with the business (Section 75.5).**

[unedited]

<b><i>Major Home Based Business</i></b>
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Under section 75 a **Major Home Based Business** shall comply with the following regulations:


1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
  2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
  3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
  4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
  5. **there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;**
  6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
  7. a Bed and Breakfast Operation, operating as a Major Home Based Business may have more than two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units;
  8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
  9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.
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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.

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		Project Number: <b>410811770-001</b> Application Date: OCT 07, 2021 Printed: December 6, 2021 at 7:28 AM Page: 1 of 3
<h2>Home Occupation</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.		
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 3703 - CAMERON HEIGHTS PLACE NW Plan 1320257 Blk 14 Lot 36	
<b>Scope of Permit</b> To operate a Major Home Based Business with storage of enclosed 12' trailer on front driveway (Administration office for Construction Business). Expires Nov. 10, 2026.		
<b>Permit Details</b>		
# of business related visits/day: Administration Office Only?: Y Class of Permit: Class B  Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: Business has Trailers or Equipment?: Y Description of Business: Construction business paperwork all done in-house. Expiry Date: 2026-11-10 00:00:00	
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Nov 10, 2021 <b>Development Authority:</b> FOLKMAN, JEREMY		



Project Number: **410811770-001**  
 Application Date: OCT 07, 2021  
 Printed: December 6, 2021 at 7:28 AM  
 Page: 2 of 3

## Home Occupation


### Subject to the Following Conditions

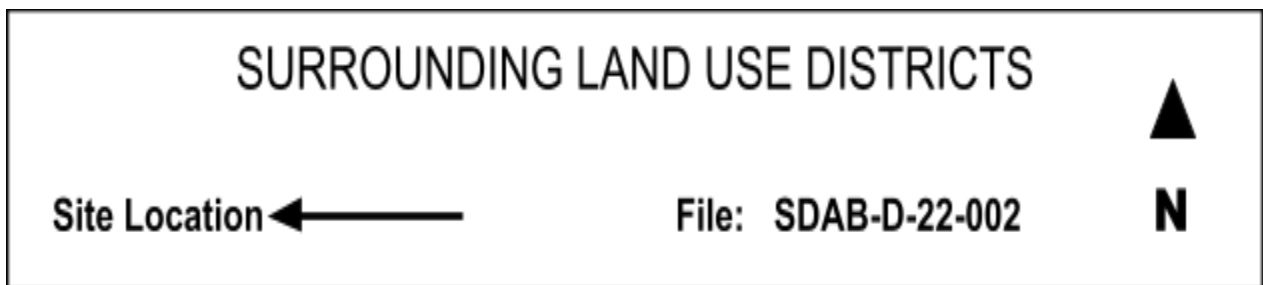
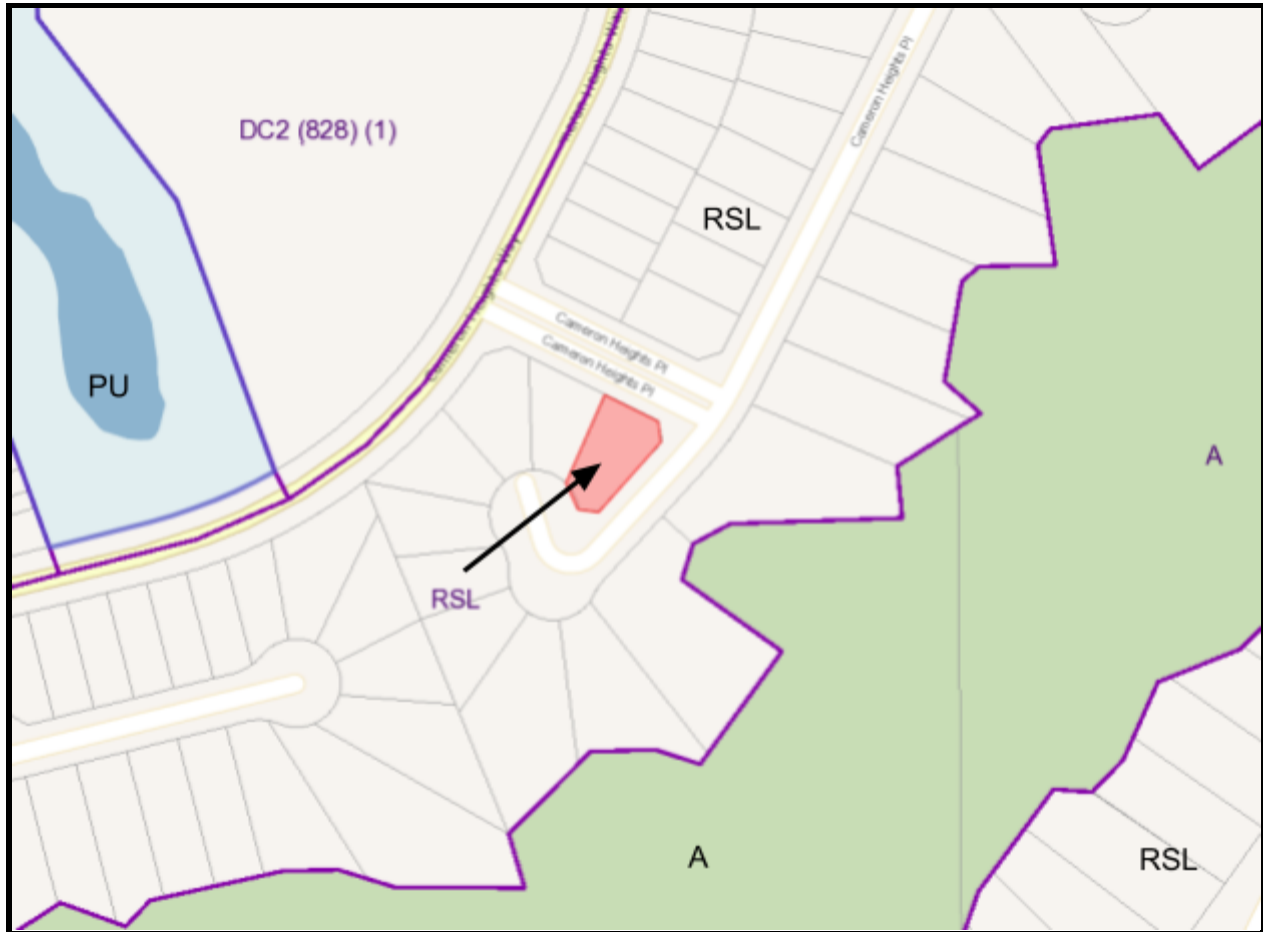
Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(6)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. The site shall not be used as a daily rendezvous for employees or business partners.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. Fabrications of business related materials are prohibited.
10. All commercial and industrial equipment, including but not limited to Bobcats, are not permitted at the site. The equipment shall be stored at an approved storage facility.
11. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility. The Development Permit may be revoked if any commercial, industrial and overweight vehicles are parked or stored at the residential site.
12. One or more enclosed or empty non-enclosed trailer with less than 4500kg gross vehicle weight shall be parked at an approved storage facility, unless a variance has been granted for an enclosed or empty non-enclosed trailer for this Major Home Based Business.
13. All parking for the Dwelling and Home Based Business must be accommodated on site, unless a parking variance has been granted for this Major Home Based Business.
14. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
15. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on Nov. 10, 2026.

### Notes:

1. 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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.

	Project Number: <b>410811770-001</b> Application Date: OCT 07, 2021 Printed: December 6, 2021 at 7:28 AM Page: 3 of 3																				
<h2 style="margin: 0;">Home Occupation</h2>																					
<p>3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).</p> <p><b>Variances</b>          Outdoor storage - Permit the storage of one enclosed trailer associated with the business (Section 75.5).</p> <p><b>Rights of Appeal</b>          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><b>Notice Period Begins:</b> Nov 18, 2021      <b>Ends:</b> Dec 09, 2021</p>																					
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left; width: 30%;">Fees</th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 20%;">Receipt #</th> <th style="text-align: left; width: 20%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$327.00</td> <td style="text-align: right;">\$327.00</td> <td>1645460448210010</td> <td>Oct 19, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$327.00</td> <td style="text-align: right; border-top: 1px solid black;">\$327.00</td> <td></td> <td></td> </tr> </tbody> </table>		Fees	Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$327.00	\$327.00	1645460448210010	Oct 19, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$327.00	\$327.00		
Fees	Fee Amount	Amount Paid	Receipt #	Date Paid																	
Dev. Application Fee	\$327.00	\$327.00	1645460448210010	Oct 19, 2021																	
Total GST Amount:	\$0.00																				
Totals for Permit:	\$327.00	\$327.00																			



ITEM III: 2:00 P.M.FILE: SDAB-D-22-004AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 406890376-002

APPLICATION TO: Construct exterior alterations to a Single Detached House  
(Driveway extension, 1.83m x 7.30m))DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 1, 2021

DATE OF APPEAL: December 9, 2021

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 3615 - 15A Street NW

LEGAL DESCRIPTION: Plan 0940298 Blk 16 Lot 3

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Tamarack Neighbourhood Structure Plan  
The Meadows Area Structure Plan

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<i><b>Grounds for Appeal</b></i>
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The Appellant provided the following reasons for appealing the decision of the Development Authority:

I would like to appeal the decision made by the Planning Technician. We have an existing driveway which was constructed by the previous owner of the house and we need this permit in order to get the RPR report. This extension is required as we have a legal suite and this extension is very useful for the tenants in order to get in and out of the basement.

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

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

**Grounds for Appeal****685(1)** If a development authority

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

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

...

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**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 board hearing the appeal referred to in subsection (1)

...

- (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 (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

and



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

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

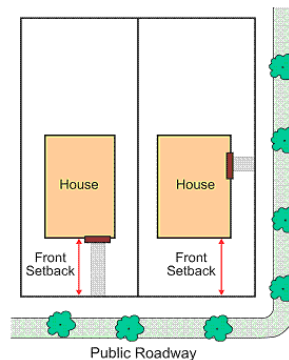
Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

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.”

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.



Under section 6.1, **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 115.1 states that the **General Purpose** of the **(RSL) Residential Small Lot Zone** is “the purpose of this 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.”

<b><i>Vehicle Parking Design for Low-density Residential</i></b>
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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. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- b. for a Garage or Parking Area with one Vehicle Parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;
- c. for a Garage or Parking Area with two or more Vehicle Parking spaces, the width of the garage or parking area or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less; and

Section 54.3(4)(a) states Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway.

Section 45.7(a) states in the Front Yard of any Site 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, vehicles shall not be located on the landscaped portion of the Yard.

**Development Officer's Determination**

**1. The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a).**

**- The proposed Driveway extension is wider than the existing front attached Garage and thereby does not lead to the Garage.**

**2. The Driveway shall be the width of the garage or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less. (Section 54.3.3.c)**

**- The total proposed width of the Driveway, as a result of the extension, is 8.5m which exceeds the maximum allowed 7.4m by 1.1m.**

**3. In the Front Yard of any Site in any Residential Zone, vehicles shall not be located on the landscaped portion of the Yard (Section 45.7.a & Section 54.3.4).**

**- The proposed Driveway extension will allow vehicular parking in the required landscaped portion of the Front Yard.**



[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.

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	<h2>Application for Driveway Extension Permit</h2>		Project Number: <b>406890376-002</b> Application Date: SEP 06, 2021 Printed: December 1, 2021 at 3:02 PM Page: 1 of 2		
This document is a Development Permit Decision for the development application described below.					
<b>Applicant</b> 	<b>Property Address(es) and Legal Description(s)</b> 3615 - 15A STREET NW Plan 0940298 Blk 16 Lot 3  <b>Location(s) of Work</b> Suite: 3615 - 15A STREET NW Entryway: 3615 - 15A STREET NW Building: 3615 - 15A STREET NW				
<b>Scope of Application</b> To construct exterior alterations to a Single Detached House (Driveway extension, 1.83m x 7.30m)).					
<b>Permit Details</b> <table border="1" 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.): 401.4         </td> </tr> </table>				Class Of Permit: Class B Stat. Plan Overlay/Annex Area:	Site Area (sq. m.): 401.4
Class Of Permit: Class B Stat. Plan Overlay/Annex Area:	Site Area (sq. m.): 401.4				
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Dec 01, 2021 <b>Development Authority:</b> SELTZ, AARON <b>Reason for Refusal</b> <ol style="list-style-type: none"> <li>The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a).            - The proposed Driveway extension is wider than the existing front attached Garage and thereby does not lead to the Garage.</li> <li>The Driveway shall be the width of the garage or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less. (Section 54.3.3.c)            - The total proposed width of the Driveway, as a result of the extension, is 8.5m which exceeds the maximum allowed 7.4m by 1.1m.</li> <li>In the Front Yard of any Site in any Residential Zone, vehicles shall not be located on the landscaped portion of the Yard (Section 45.7.a &amp; Section 54.3.4).            - The proposed Driveway extension will allow vehicular parking in the required landscaped portion of the Front Yard.</li> </ol> <b>Rights of Appeal</b> The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.					
<b>Building Permit Decision</b> No decision has yet been made.					
<b>Fees</b>					
<b>THIS IS NOT A PERMIT</b>					



## Application for Driveway Extension Permit

Project Number: **406890376-002**  
Application Date: SEP 06, 2021  
Printed: December 1, 2021 at 3:02 PM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Development Application Fee	\$176.00	\$176.00	14689307330Z001	Sep 06, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$176.00	\$176.00		

**THIS IS NOT A PERMIT**

