

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
January 6, 2016**

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

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2  
(PAGE 1 OF 2)**

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I	9:00 A.M.	SDAB-D-16-001	Develop a Secondary Suite in the Basement of a Single Detached House, existing without permits  14848 - 47 Street NW Project No.: 156704720-005
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II	10:30 A.M.	SDAB-D-16-002	Construct a two storey Accessory Building (Garage Suite on second floor, Garage on main floor, 7.32m x 7.30m), and to demolish the existing rear detached Garage.  11156 - 51 Street NW Project No.: 179315799-001
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III	1:00 P.M.	SDAB-D-16-003	Construct exterior alterations to an existing Single Detached House (Driveway extension, 2.25m X 6.06m), existing without permits  277 - Ozerna Road NW Project No.: 181406484-003
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**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2  
(PAGE 2 OF 2)**

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IV	2:15 P.M.	SDAB-D-16-004	Construct an Accessory structure in the Front yard of an existing Single Detached House (tree house, 4.1m x 2.4m @ 1.88m in Height), existing without permits.
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7107 - 80 Street NW  
Project No.: 173615976-002

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V	3:00 P.M.	SDAB-D-16-007	Operate an Automotive/Minor Recreation Vehicle Sales/Rentals Use.
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8303 - 118 Avenue NW, 8303 - 118 Avenue NW  
Project No.: 083588247-005

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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-16-001

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 156704720-005

ADDRESS OF APPELLANT: 14848 - 47 Street NW

APPLICATION TO: Develop a Secondary Suite in the Basement of a Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 25, 2015

DATE OF APPEAL: December 7, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14848 - 47 Street NW

LEGAL DESCRIPTION: Plan 9723920 Blk 4 Lot 87

ZONE: RPL Planned Lot Residential Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: Miller Neighbourhood Area Structure Plan

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***Grounds for Appeal***

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

When the members of the Residential Compliance Team (Kathy Rivard, Dallas Thomas, Heather Polnick) performed an inspection back in April, they encouraged us to move forward to make the suite legal. They were very helpful and after their review they advised it would make sense to make the few changes they noted to make the suite legal. Heather advised she would approve a variance for the parking space deficiency. This was the only deficiency we were advised

of. It would have been very helpful if we would have been advised at that time the full scope of the deficiency's (Minimum Site, etc.) This has been a very time consuming and frustrating process with a lot of resources (The City's and Ours) being utilized needlessly it would appear. When I did the search on line for Zoning, it would have been great if when I input the address, although it said the Zone was RPL, it would say this address doesn't meet the Site requirement (I'm sure the computer system could be configured to say minimum site area is 360m2, which this address does not meet. These comments aren't intended to criticize the individuals, they were great to deal with and I believe had our best interests, and the City's in mind. Given the housing crunch our City has, we were also hopeful this application would be approved. Low cost housing, as you are aware, is difficult to find. Selfishly, I would feel more comfortable if someone would be living upstairs in my father's house as he is getting older and there could potentially be someone close to keep an eye on him (as he lives in the basement). So this appeal is not only about us hoping to have this permit approved, but also as a taxpayer, trying to improve the process so resources aren't utilized inappropriately. We tried to do as much research on this topic but we may have missed something also, I'm certainly not absolving ourselves of blame, however as noted above, more information back in April would have been helpful. Thank you, and if you require further clarification, please call me at 780. [REDACTED] or email [REDACTED]@[REDACTED].ca. Vittorio D'Andrea on behalf of my father Joseph D'Andrea [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 Board is advised that the decision of the Development Officer is dated November 25, 2015. The Notice of Appeal was filed on December 7, 2015.

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

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.

A **Secondary Suite** is a **Permitted Use** within the **RPL Planned Lot Residential Zone** (Section 130.2).

**Secondary Suite** is defined in Section 7.2(7) as follows:

...development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

***Minimum Site Area***

Section 86(1) provides that “the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is [360 m<sup>2</sup>](#)” in the RPL Planned Lot Residential Zone.

**Development Officer's Determination:**

1. The minimum Site area for a Single Detached House containing a Secondary is 360m<sup>2</sup>. (Section 86.1) The proposed Site area is 340.05 m<sup>2</sup>, deficient by 19.95 m<sup>2</sup>. [unedited]

***Minimum Number of On-Site Parking Stalls***

Section 54.2(1) Schedule 1 provides that "1 parking space per 2 Sleeping Units in addition to the parking requirements for the primary Dwelling" is required for a Secondary Suite.

Section 54.2(1) Schedule 1 permits Tandem Parking for Secondary Suites.

**Development Officer's Determination:**

2. A minimum of 3 on-site parking stalls is required (2 stalls for the House + 1 stall for the Secondary Suite = 3 stalls). (Section 54.2.Schedule 1(2)) There are 2 on-site parking stalls provided, deficient by 1. [unedited]

***Minimum Width of Parking Stall***

Section 54.2(4)(iv) sets out Vehicular Parking Dimensions and Configuration and provides that:

"where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be [3.0 m](#), and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be [3.3 m](#)."

**Development Officer's Determination:**

3. The minimum width of a parking stall where the stall is limited on both sides by a wall or a column, shall be 3.0 m. (Section 54.2.4(iv)) The proposed parking stall width is about 2.6m at its widest point. The width narrows towards the interior of the site. [unedited]

***Required Parking Shall be Hardsurfaced***

Section 54.6(2)(a) provides that:

Every Driveway, off-street parking or loading space, and access provided or required in any Residential Zone, including the area contained within City-owned land from which access or egress is obtained, shall be Hardsurfaced if access is from a public roadway which is Hardsurfaced or gravelled.

**Development Officer's Determination:**

4. All required parking shall be Hardsurfaced. (Section 54.6.2(a) The proposed sidewalk and grassed area cannot be considered as a hardsurfaced parking space. [unedited]

Notice to Applicant/Appellant

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

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	Project Number: <b>156704720-005</b> Application Date: OCT 09, 2015 Printed: December 23, 2015 at 11:54 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>  D'ANDREA, JOSEPH 	<b>Property Address(es) and Legal Description(s)</b> 14848 - 47 STREET NW Plan 9723920 Blk 4 Lot 87  <b>Specific Address(es)</b> Suite: BSMT, 14848 - 47 STREET NW Entryway: 14848 - 47 STREET NW Building: 14848 - 47 STREET NW		
<b>Scope of Application</b> To develop a Secondary Suite in the Basement of a Single Detached House, existing without permits.			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     # of Dwelling Units Add/Remove: 1                      Client File Reference Number:                      Minor Dev. Application Fee: Secondary Suite                      Secondary Suite Included?: Y                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit: Class A                      Lot Grading Needed?: N                      New Sewer Service Required: Y                      Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: (none)
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: Y 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>Reason for Refusal</b> The proposed Secondary Suite to an existing Single Detached House application (existing without permits) is refused for following reasons: <ol style="list-style-type: none"> <li>1. The minimum Site area for a Single Detached House containing a Secondary is 360m<sup>2</sup>. (Section 86.1) The proposed Site area is 340.05 m<sup>2</sup>, deficient by 19.95 m<sup>2</sup>.</li> <li>2. A minimum of 3 on-site parking stalls is required (2 stalls for the House + 1 stall for the Secondary Suite = 3 stalls). (Section 54.2.Schedule 1(2)) There are 2 on-site parking stalls provided, deficient by 1.</li> <li>3. The minimum width of a parking stall where the stall is limited on both sides by a wall or a column, shall be 3.0 m . (Section 54.2.4(iv)) The proposed parking stall width is about 2.6m at its widest point. The width narrows towards the interior of the site.</li> <li>4. All required parking shall be Hardsurfaced. (Section 54.6.2(a) The proposed sidewalk and grassed area cannot be considered as a hardsurfaced parking space.</li> </ol> <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 25, 2015    Development Authority: LAI, ECHO    Signature: _____			
<b>THIS IS NOT A PERMIT</b>			



Project Number: **156704720-005**  
Application Date: OCT 09, 2015  
Printed: December 23, 2015 at 11:54 AM  
Page: 2 of 2

## Application for Minor Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$260.00	\$260.00	02809679	Oct 09, 2015
Existing Without Permit Penalty Fee	\$260.00	\$260.00	02809679	Oct 09, 2015
Sanitary Sewer Trunk Fee for Secondary Suite	\$633.00	\$633.00	02809679	Oct 09, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$1,153.00</u>	<u>\$1,153.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-001



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-002

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

APPELLANT:

APPLICATION NO.: 179315799-001

ADDRESS OF APPELLANT: 11158 – 51 Street NW

APPLICATION TO: Construct a two storey Accessory Building (Garage Suite on second floor, Garage on main floor, 7.32m x 7.30m), and to demolish the existing rear detached Garage.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 18, 2015

DATE OF APPEAL: December 7, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 11156 - 51 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11156 - 51 Street NW

LEGAL DESCRIPTION: Plan 5104KS Blk 3 Lot 28

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: None

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***Grounds for Appeal***

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

We live at 11158 51 St NW, next door to the property for which the development permit has been issued, and we have a number of concerns about the proposed modifications, to wit:

1. The existing house at 11156 is very large and tall, with a sizeable extension on the back. Modifying the existing garage as proposed would establish two very large buildings on that property and create, essentially, a wall which would adversely affect, light, privacy, and reasonable enjoyment of our own property and particularly our yard. We purchased our house in July of 2015 and 11156 was empty at the time; had the proposed structure existed at that time (or had we known of the plans) it is unlikely we would have purchased our property.

2. There are already a number of associated people (at least two families, possibly more ) living at the house, and a number of vehicles with them in addition to those associates who come and go throughout the day and night. Although both stalls in the property's double driveway are occupied, a number of the limited street parking spaces along 51st street are further occupied by vehicles belonging to or associated with the existing residents, and we wonder where additional tenants of the proposed garage suite will be parking and how that will affect the already sparse availability of street parking.

3. As property owners, we are concerned about the close proximity of what is beginning to look very much like a rooming house / multi-family dwelling. We chose to live in an area zoned for single-family homes; had we preferred to live in a more densely-populated, mixed-use area of multi-family dwellings we would not have chosen to live in Highlands.

To be clear, we have no objection to the construction of a new garage on the property; it's the addition of a garage suite and the greater height and size of the building that that would involve, as well as the prospect of adding additional tenants to the premises.

We thank you for your attention to this matter. If you would like to contact us about these concerns we can be reached at 780- [REDACTED] (Kim) or 780- [REDACTED] (David). [unedited]

***General Matters***

**Appeal Information:**

The decision of the Development Authority was appealed by David Hughes, the Appellant.

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

**Grounds for Appeal**

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

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

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

**685(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

**Appeals**

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

- (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 Development Officer is dated November 18, 2015. The Notice of Appeal was filed on December 7, 2015.

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

Pursuant to Section 110.1, 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.

**Garage Suites** are a **Discretionary Use** within the **RF1 Single Detached Residential Zone** (Section 110.3(3)).

**Garage Suites** as defined as follows:

...an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance

separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Garage Suites, Secondary Suites, Blatchford Land Suites, or Blatchford Accessory Suites.

**Development Officer's Determination:**



**Variations**

Discretionary Use - A Garage Suite is approved as a Discretionary Use (Section 110.3.3). [unedited]

**Notice to Applicant/Appellant**

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. 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>179315799-001</b> Application Date: SEP 16, 2015 Printed: December 24, 2015 at 9:05 AM Page: 1 of 3		
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">House Development and Building Permit</h1>			
<p>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</p>			
<b>Applicant</b>  1191979 ALBERTA LTD., PETER JORGESEN 	<b>Property Address(es) and Legal Description(s)</b> 11156 - 51 STREET NW Plan 5104KS Blk 3 Lot 28  <b>Location(s) of Work</b> Suite: 11156 - 51 STREET NW Entryway: 11156 - 51 STREET NW Building: 11156 - 51 STREET NW		
<b>Scope of Application</b> To construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor, 7.32m x 7.30m), and to demolish the existing rear detached Garage.			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Affected Floor Area (sq. ft.): 525                      Class of Permit: Class B                      Front Yard (m):                      Rear Yard (m):                      Side Yard, left (m): 4.88                      Site Area (sq. m.): 504.2                      Site Width (m): 13.4                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Building Height to Midpoint (m): 5.9                      Dwelling Type: Garage Suite                      Home Design Type:                      Secondary Suite Included?: N                      Side Yard, right (m): 1.22                      Site Depth (m): 37.6                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		Affected Floor Area (sq. ft.): 525 Class of Permit: Class B Front Yard (m): Rear Yard (m): Side Yard, left (m): 4.88 Site Area (sq. m.): 504.2 Site Width (m): 13.4	Building Height to Midpoint (m): 5.9 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.22 Site Depth (m): 37.6 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
Affected Floor Area (sq. ft.): 525 Class of Permit: Class B Front Yard (m): Rear Yard (m): Side Yard, left (m): 4.88 Site Area (sq. m.): 504.2 Site Width (m): 13.4	Building Height to Midpoint (m): 5.9 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.22 Site Depth (m): 37.6 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Permit Decision</b> Approved			
<b>THIS IS NOT A PERMIT</b>			





Project Number: **179315799-001**  
Application Date: SEP 16, 2015  
Printed: December 24, 2015 at 9:05 AM  
Page: 2 of 3

## Application for House Development and Building Permit

### Subject to the Following Conditions

This Development Permit authorizes the development of a 2 Storey Accessory Building (Garage on main floor and Garage Suite on upper floor) and demolition of the existing detached Garage. The development shall be constructed in accordance with the stamped and approved drawings.

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$100.00.
2. Immediately upon demolition of the building, the site shall be cleared of all debris.
3. An accessory building or structure containing a Garage Suite shall not exceed 6.5m in height (Reference Section and 87.2.a).
4. Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
5. A Garage Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.
6. Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite shall not exceed three.
7. The Garage Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
8. The area hard surfaced for a driveway shall comply with Section 54.6 of the Zoning Bylaw 12800.
9. Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.

### ADVISEMENTS:

1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
2. Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.
3. The driveway access must maintain a minimum clearance of 1.5m from all surface utilities.
4. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.
5. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

### Variances

Discretionary Use - A Garage Suite is approved as a Discretionary Use (Section 110.3.3).

### Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**THIS IS NOT A PERMIT**



Project Number: 179315799-001  
Application Date: SEP 16, 2015  
Printed: December 24, 2015 at 9:05 AM  
Page: 3 of 3

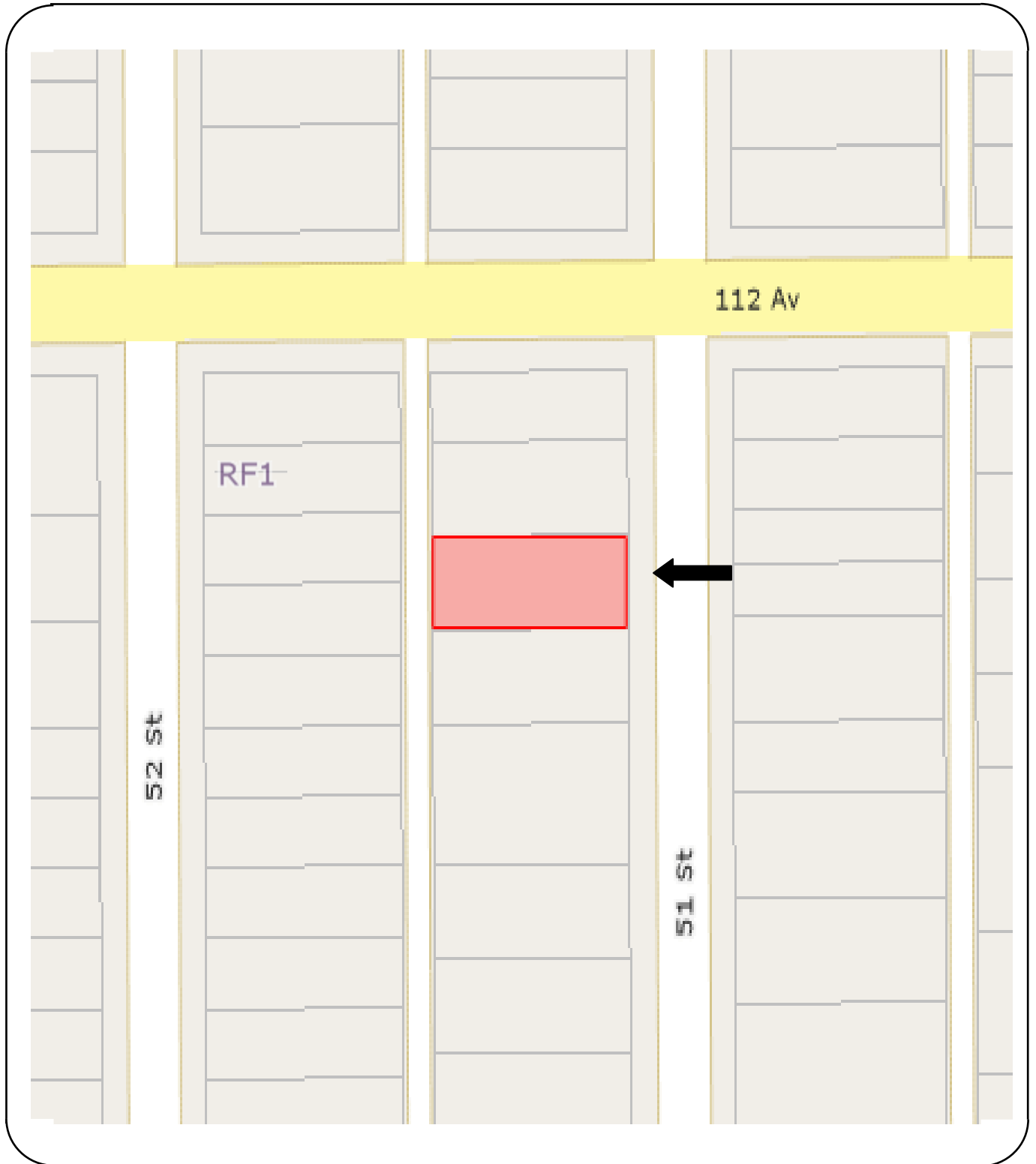
## Application for House Development and Building Permit

Issue Date: Nov 18, 2015    Development Authority: ILLINGWORTH, TREVOR    Signature: \_\_\_\_\_  
Notice Period Begins: Nov 24, 2015    Ends: Dec 07, 2015

**Building Permit Decision**  
No decision has yet been made.

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Temporary Gas Heat Fee	\$100.00	\$100.00	02768366	Sep 23, 2015
DP Notification Fee	\$100.00	\$100.00	02912647	Nov 24, 2015
Electrical Fee (Service)	\$75.00	\$75.00	02768366	Sep 23, 2015
Lot Grading Fee	\$135.00	\$135.00	02768366	Sep 23, 2015
Safety Codes Fee	\$40.88	\$40.88	02768366	Sep 23, 2015
Sanitary Sewer Trunk Fund	\$633.00	\$633.00	02768366	Sep 23, 2015
Electrical Safety Codes Fee	\$13.02	\$13.02	02768366	Sep 23, 2015
Water Usage Fee	\$25.41	\$25.41	02768366	Sep 23, 2015
Building Permit Fee	\$1,022.00	\$1,022.00	02768366	Sep 23, 2015
Electrical Fees (House)	\$213.00	\$213.00	02768366	Sep 23, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,357.31	\$2,357.31		

THIS IS NOT A PERMIT



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-002



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-003

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 181406484-003

ADDRESS OF APPELLANT: 277 - Ozerna Road NW

APPLICATION TO: Construct exterior alterations to an existing Single Detached House (driveway extension, 2.25m X 6.06m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 1, 2015

DATE OF APPEAL: December 7, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 277 - Ozerna Road NW

LEGAL DESCRIPTION: Plan 0120886 Blk 121 Lot 38

ZONE: RF1 Single Detached Residential Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: Edmonton North Area Structure Plan  
Ozerna Neighbourhood Structure Plan – Neighbourhood 6 of the Edmonton North Area Structure Plan

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***Grounds for Appeal***

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

The extension was poured in 2015. I did not realize that a development permit was required. Very rarely parked on the extension, only for a period of time when I was using a

wheelchair. The property has been sold and I do not know if the new owners park vehicles on the extension. [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 Board is advised that the decision of the Development Officer is dated December 1, 2015. The Notice of Appeal was filed on December 7, 2015.

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

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.”

***Driveway Must Lead to an Overhead Garage Door of Parking Area***

Pursuant to Section 6.1(26), **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

**Development Officer's Determination:**

- 1.) Section 6.1(26): Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area

Other than the approved 5.85m wide concrete front driveway, the existing concrete extension on the right side property line does not lead to an overhead garage door or parking area. (Section 6.1(26)). [unedited]

<p><b><i>Front Yard Must be Landscaped</i></b></p>
----------------------------------------------------

Section 6.1(55) defines **Landscaping** as follows:

55. **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c) architectural elements such as decorative fencing, walls and sculpture;

Section 55.4(1) provides as follows:

All open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

**Development Officer's Determination:**

2.) Section 55.4(1): All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

The driveway extension is in the front of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. (Section 55.4(1)) (Section 6.1(55)) [unedited]

***No Parking in the Front Yard***

Section 54.2(2)(e)(i) provides as follows:

2. Location of Vehicular Parking Facilities

(e) Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

(i) parking spaces shall not be located within a Front Yard

**Development Officer's Determination:**



3.) Section 54.2(2)(e): Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.

The Front yard of this property between the Right side of the Garage wall and 2.25m South of that wall are being used for parking. These areas should be landscaped and parking is also not allowed within these yards. [unedited]


**Notice to Applicant/Appellant**

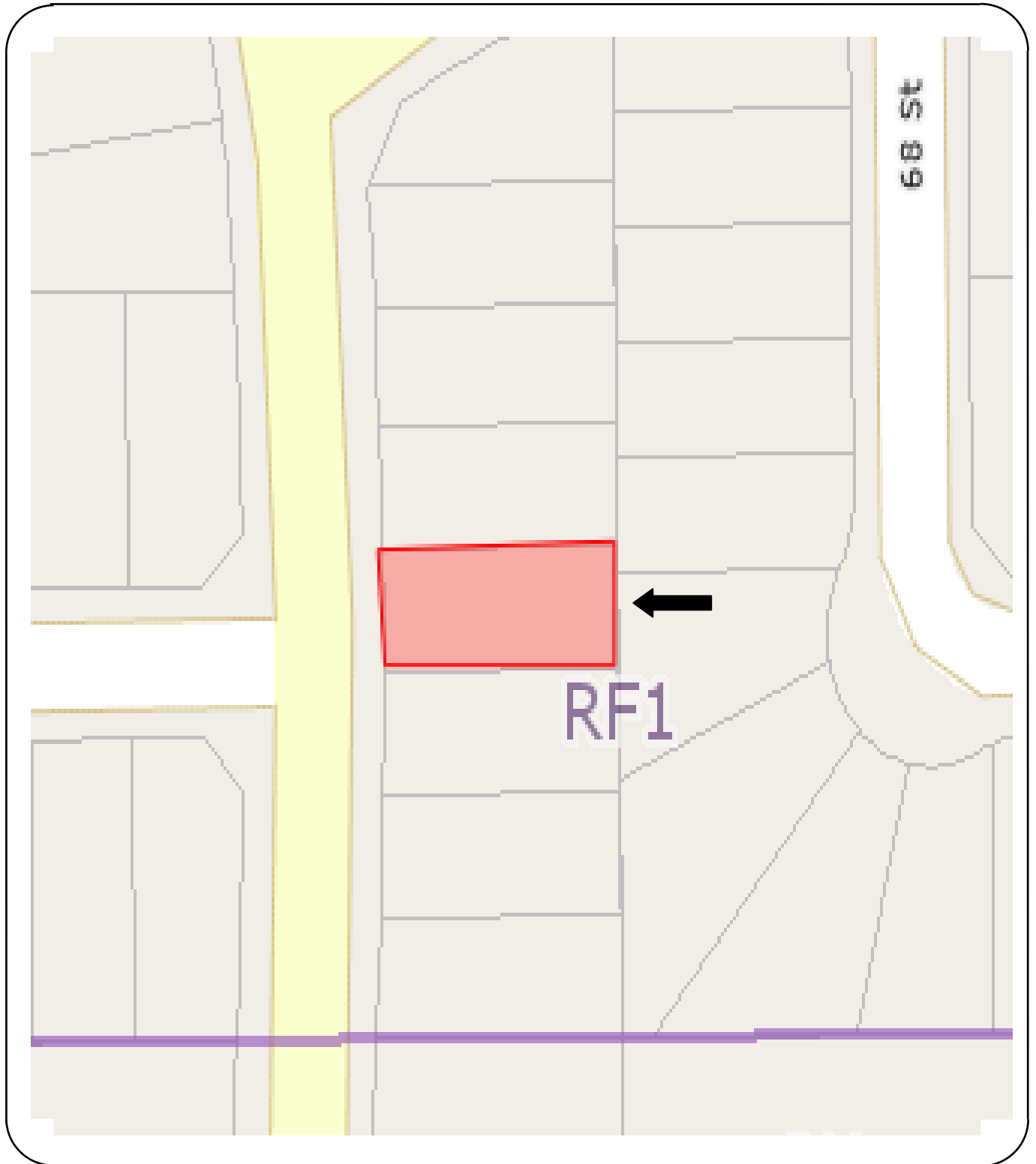
Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of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

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	Project Number: <b>181406484-003</b> Application Date: NOV 05, 2015 Printed: December 24, 2015 at 9:55 AM Page: 1 of 2		
<h2>Application for Minor Development Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
<b>Applicant</b>  ISHAK, MOHAMMAD 	<b>Property Address(es) and Legal Description(s)</b> 277 - OZERNA ROAD NW Plan 0120886 Blk 121 Lot 38		
<b>Scope of Application</b> To construct exterior alterations to an existing Single Detached House (driveway extension, 2.25m X 6.06m), existing without permits.			
<b>Permit Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">           # of Dwelling Units Add/Remove: 0            Client File Reference Number:            Minor Dev. Application Fee: Exterior Alterations (Res.)            Secondary Suite Included?: N         </td> <td style="width: 50%;">           Class of Permit: Class A            Lot Grading Needed?: N            New Sewer Service Required: N            Stat. Plan Overlay/Annex Area: (none)         </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N 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: <b>181406484-003</b> Application Date: NOV 05, 2015 Printed: December 24, 2015 at 9:55 AM Page: 2 of 2																									
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																										
<p><b>Reason for Refusal</b></p> <p>1.) Section 6.1(26): Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area</p> <p>Other than the approved 5.85m wide concrete front driveway, the existing concrete extension on the right side property line does not lead to an overhead garage door or parking area. (Section 6.1(26)).</p> <p>2.) Section 55.4(1): All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.</p> <p>The driveway extension is in the front of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. (Section 55.4(1)) (Section 6.1(55))</p> <p>3.) Section 54.2(2(e)): Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.</p> <p>The Front yard of this property between the Right side of the Garage wall and 2.25m South of that wall are being used for parking. These areas should be landscaped and parking is also not allowed within these yards.</p> <p>NOTES:</p> <p>Sufficient on site parking is provided through the provision of a 2-car front attached garage, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.</p> <p>Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.</p> <p><b>Rights of Appeal</b></p> <p>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.</p>																										
<p>Issue Date: Dec 01, 2015    Development Authority: HEIMDAHL, KENDALL    Signature: _____</p>																										
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fees</th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$155.00</td> <td style="text-align: right;">\$155.00</td> <td>02875827</td> <td>Nov 05, 2015</td> </tr> <tr> <td>Existing Without Permit Penalty Fee</td> <td style="text-align: right;">\$155.00</td> <td style="text-align: right;">\$155.00</td> <td>02875827</td> <td>Nov 05, 2015</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$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;">\$310.00</td> <td style="text-align: right; border-top: 1px solid black;">\$310.00</td> <td></td> <td></td> </tr> </tbody> </table>		Fees	Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$155.00	\$155.00	02875827	Nov 05, 2015	Existing Without Permit Penalty Fee	\$155.00	\$155.00	02875827	Nov 05, 2015	Total GST Amount:	\$0.00				Totals for Permit:	\$310.00	\$310.00		
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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-003



ITEM IV: 2:15 P.M.

FILE: SDAB-D-16-004

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 173615976-002

ADDRESS OF APPELLANT: 7107 - 80 Street NW

APPLICATION TO: Construct an Accessory structure in the Front yard of an existing Single Detached House (tree house, 4.1m x 2.4m @ 1.88m in Height), existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 3, 2015

DATE OF APPEAL: December 7, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7107 - 80 Street NW

LEGAL DESCRIPTION: Plan 1752KS Blk 11 Lot 24

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: None

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***Grounds for Appeal***

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

The tree house in my front yard was designed with the thought of getting my special needs 10-year-old daughter, Amelia, to constructively engage with other children in our neighbourhood and for safety issues.

Amelia was born with a rare genetic disorder that has resulted in global developmental delays. Although, she is 10 years old, she is assessed at a 3-year-old level. Socially, she interacts at a 5 year old level. She has some obvious delays such as drooling (caused by low muscle tone) and severely delayed speech, but she is able to climb and walk and play. She has worked tirelessly with occupational and speech and language therapists to improve her speech, and fine and gross motor skills. In fact, we moved to the Avonmore community, so that Amelia could attend a Community Living Skills class, which is exclusively for children with special needs and she has developed very close friendships with her school friends.

Outside of school Amelia is very extroverted and works hard to develop friendships and play with children. Her challenges with speaking, motor and social skills make it difficult to understand what Amelia is saying, and while most people will entertain her for a few moments often children do not. Because of her communicative difficulties sometimes children outside of school hours in a more non-structured setting, have segregated Amelia through play - like the game tag, where she is "it" and they run away. Because of this we have worked to arrange situations where she can be successful, for example she attends daycare and plays integrated sports. We work hard to find children and families who will play with Amelia and we teach children to be accepting of her.

The tree house was placed in the front yard on purpose. It was built with Amelia and the neighbourhood children who continue to come over to play at the tree house and with Amelia. I feel the tree house is a tool to help with Amelia's inclusion in our community, and it changed her status from the kid who is "it" to the kid with a tree house. Now, the neighbourhood kids ask "Can we play with Amelia in her tree house?"

There is a second and equally important reason for the tree house in the front yard, which is safety. Our garage is located in our backyard and is quite close to our house. Because of this, we are unable to view the backyard without going and looking through our back door. There are also low hanging power lines in our backyard and I felt that any play structure in that area would be too dangerous for Amelia to play. Amelia will also randomly decide to run away, we need to keep a close eye on her, but at the same time provide her with independence. Currently, the tree house is directly in front of our large living room window, which faces the front yard and with no effort we can view the tree house, and any play occurring in it.

I built the tree house with concern for City of Edmonton bylaws. I researched, and found the website “Treehouse by Design: City of Edmonton Bylaw regarding treehouses” on google <http://treehousebydesign.com/blog/2006/10/12/city-of-edmonton-bylaw-regarding-treehouses/> I also followed the link in the Treehouse by Design website to the City of Edmonton zoning bylaw 12800 site and searched for zoning regulations regarding tree houses; however, I was unable to find anything dealing with tree houses or playhouses in trees on the City of Edmonton zoning website. As such, I designed the tree house with the zoning regulations as they were described on the “Treehouse by Design” website thinking they were the correct bylaws. As soon as I was informed about the violation, I took steps to conform to the bylaws, by filling out the appropriate permit.

I respectfully request a variance in the zoning bylaw regulations for Amelia’s tree house. I understand fully that this request is an unusual request, but I feel that my family’s circumstances are unusual. [unedited]

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<i>General Matters</i>
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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.

**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 Development Officer is dated December 3, 2015. The Notice of Appeal was filed on December 7, 2015.

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

Pursuant to Section 110.1, 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.

Section 6.1(2) defines **Accessory [structure]** as follows:

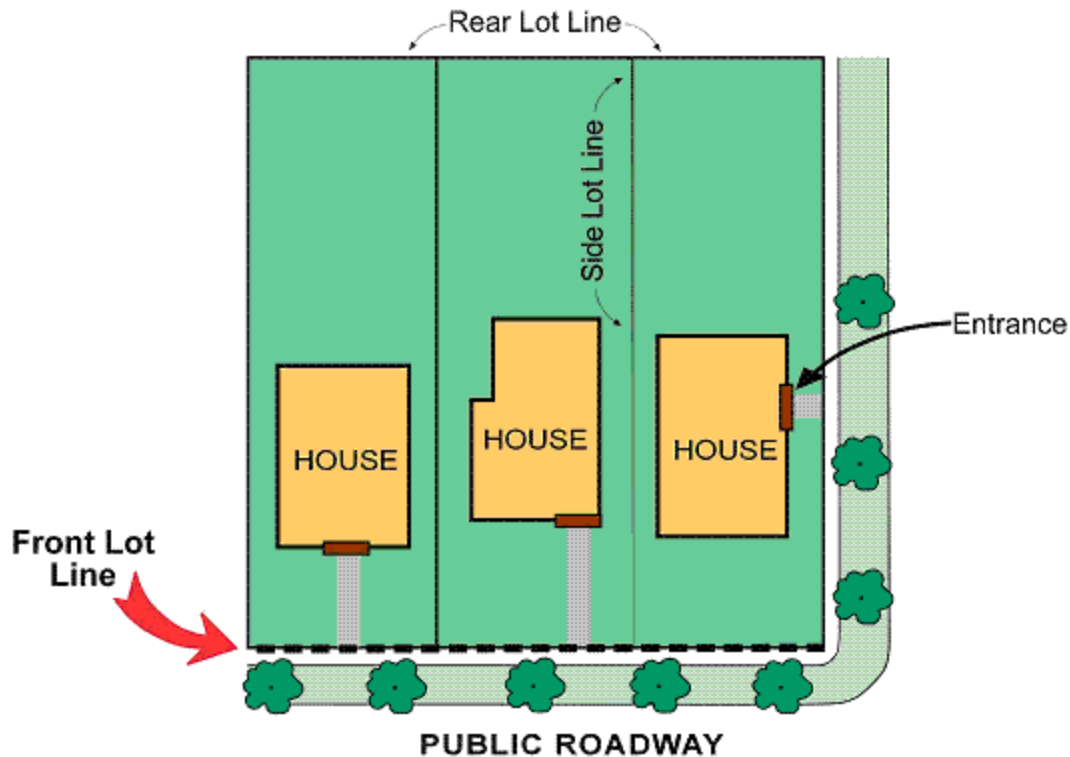
Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

<p><b><i>Accessory Structures Must be a Minimum of 18.0 Metres from the Front Lot Line</i></b></p>
----------------------------------------------------------------------------------------------------

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:**

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 minimum front Setback for Principal building: 11.87 m



Proposed front Setback for Accessory Structure: 7.02 m

Deficient by: 4.85 m [unedited]

**Notice to Applicant/Appellant**

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

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	Project Number: <b>173615976-002</b> Application Date: NOV 02, 2015 Printed: December 24, 2015 at 10:55 AM Page: 1 of 1																									
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																										
This document is a Development Permit Decision for the development application described below.																										
<b>Applicant</b>  WHELLER, MARK 	<b>Property Address(es) and Legal Description(s)</b> 7107 - 80 STREET NW Plan 1752KS Blk 11 Lot 24  <b>Specific Address(es)</b> Suite: 7107 - 80 STREET NW Entryway: 7107 - 80 STREET NW Building: 7107 - 80 STREET NW																									
<b>Scope of Application</b> To construct an accessory structure in the front yard of an existing Single Detached House (tree house, 4.1m x 2.4m @ 1.88m in Height), existing without permits.																										
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     # of Dwelling Units Add/Remove: 0                      Client File Reference Number:                      Minor Dev. Application Fee: Accessory Buildings                      Secondary Suite Included?: N                 </td> <td style="width: 50%; border: none;">                     Class of Permit: (none)                      Lot Grading Needed?: N                      New Sewer Service Required: N                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Accessory Buildings Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																							
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I/We certify that the above noted details are correct.  Applicant signature: _____																										
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 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 minimum front Setback for Principal building: 11.87 m Proposed front Setback for Accessory Structure: 7.02 m Deficient by: 4.85 m  <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: Dec 03, 2015    Development Authority: HETHERINGTON, FIONA    Signature: _____																										
<b>Fees</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: left;">Receipt #</th> <th style="width: 10%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">\$105.00</td> <td>02865840</td> <td>Nov 02, 2015</td> </tr> <tr> <td>Existing Without Permit Penalty Fee</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">\$105.00</td> <td>02865840</td> <td>Nov 02, 2015</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$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;">\$210.00</td> <td style="text-align: right; border-top: 1px solid black;">\$210.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$105.00	\$105.00	02865840	Nov 02, 2015	Existing Without Permit Penalty Fee	\$105.00	\$105.00	02865840	Nov 02, 2015	Total GST Amount:	\$0.00				Totals for Permit:	\$210.00	\$210.00		
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<b>THIS IS NOT A PERMIT</b>																										





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-004



ITEM V: 3:00 P.M.

FILE: SDAB-D-16-007

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 083588247-005

ADDRESS OF APPELLANT: 8303 - 118 Avenue NW

APPLICATION TO: Operate an Automotive/Minor  
Recreation Vehicle Sales/Rentals  
Use.

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 24, 2015

DATE OF APPEAL: December 7, 2015

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 8303 - 118 Avenue NW,

LEGAL DESCRIPTION: Plan RN50 Blk 104 Lot 18, Plan  
RN50 Blk 104 Lots 16-17

ZONE: CB2 General Business Zone

OVERLAY: Alberta Avenue Pedestrian  
Commercial Shopping Street  
Overlay

STATUTORY PLANS IN EFFECT: Parkdale 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 City refused my application. [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 Board is advised that the decision of the Development Officer is dated November 24, 2015. The Notice of Appeal was filed on December 7, 2015.

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

Section 340.1 provides that 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.”

**Automotive/Minor Recreational Vehicle Sales/Rentals** is a **Discretionary Use** within the **CB2 General Business Zone**.

Pursuant to Section 7.4(5), **Automotive/Minor Recreational Vehicle Sales/Rentals** means:

...development used for the retail sale or rental of new or use automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automotive dealerships, car rental agencies and motorcycle dealerships. This Use Class does not include dealerships for the sale of

trucks with a gross vehicle weight rating over 4,000 kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6,000 kg or a length of more than 6.7m.”

***Alberta Avenue Pedestrian Commercial Shopping Street Overlay***

Pursuant to section 821.1, the **General Purpose** of the **Alberta Avenue Pedestrian Commercial Shopping Street Overlay** is:

...to facilitate development of a pedestrian-oriented character to commercial and mixed use developments along 118 Avenue, between 76 and 105 Streets, in close proximity to residential areas, in accordance with the Avenue Initiative Revitalization Strategy and Plans in effect for this area of the City.

**Development Officer’s Determination:**

1) The proposed development, an Automotive and Minor Recreational Vehicle Sale/Rentals, is Discretionary within the CB2 Zone, and the site is within the Alberta Avenue Pedestrian Commercial Shopping Street Overlay.

- In the opinion of the Development Officer, the proposed development does not meet the General Purpose of the Alberta Avenue Pedestrian Commercial Shopping Street Overlay, which is to facilitate development of a pedestrian-oriented character to commercial and mixed use developments along 118 Avenue, between 76 and 105 Streets, in close proximity to residential areas.

(Reference Section 821.1). The proposed Automotive and Minor Recreational Vehicle Sale/Rentals is incompatible with existing adjacent and surrounding pedestrian oriented uses. [unedited]

***No Parking or Outdoor Service Display Permitted in Setback***

Section 340.4(5) provides as follows:

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or Light Rail Transit lines in accordance with the provisions of [subsection 55.4](#) of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service or display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of [subsection 55.4](#) of this Bylaw.

**Development Officer's Determination:**

2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or Light Rail Transit lines in accordance with the provisions of subsection 55.4 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service or display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw. (Reference Section 340.4(5))

- Parking spaces and outdoor display area are within the required setback contrary to Section 340.4(5). [unedited]

***Hardsurfacing***

Section 340.5(1)(a) provides that “all storage, display and parking areas shall be hardsurfaced in accordance with [subsection 54.6\(1\)](#) of this Bylaw”.

Section 54.6(1) provides the **General Requirements for Hardsurfacing and Curbing of Parking and Loading Spaces** as follows:

1. General Requirements

- a. Required parking and loading facilities shall provide for, and include, an adequate, safe and convenient arrangement of vehicular points of ingress or egress, driveways, internal roadways, aisles and ramps, loading of motor vehicles all in relation to buildings and entry points to buildings on the Site. Such facilities shall comply with the following design, development and maintenance standards:
  - i. all required parking and loading facilities shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced;
  - ii. where the street or Lane from which access is available to any loading or required parking space is Hardsurfaced after the time at which the parking space is provided or required, the person responsible for the construction or maintenance of such parking or loading space shall forthwith be Hardsurfaced such spaces and the access thereto, and the whole area contained within the City-owned land to which a curb crossing permit applies;
  - iii. notwithstanding anything contained in the above clause, where a Hardsurfaced Parking Area has been provided on a Site to the minimum required, then the type of surface permitted on the balance of the Site shall be of such material as Transportation Services approves;

- iv. in parking areas and similarly congested locations, curbs and other protective measures shall be used to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the Site or an adjacent Site;
- v. continuous raised or pre-cast curbing of not less than 100 mm in Height shall be provided adjacent to streets and required landscaped areas, [600 mm](#) from the front of the parking stall. Concrete curb stops shall be placed to ensure that vehicles do not overhang boulevards, sidewalks, or required landscaped areas. Curbing shall also be required to clearly demarcate the required portion of driveway leading to an internal roadway, aisle, ramp, parking space or loading space;
- vi. where continuing curbs are used as wheel stops, the measured size of parking spaces shall be reduced [1.0 m](#) in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by [1.0 m](#) and such overhang areas must be clear of all obstructions (Signs, shrubs, trees, etc.) and shall not be regarded as a required landscaped area; and
- vii. in situations where lighting of off-street parking and loading facilities is to be provided, the lighting shall be arranged, installed and maintained to deflect, shade and focus light away from any adjacent land Uses.

**Development Officer's Determination:**

3) All storage, display and parking areas shall be hardsurfaced in accordance with subsection 54.6(1) of this Bylaw. (Reference Section 340.5(1)(a))

- No hardsurfacing is provided for the parking and displayed areas. Existing surface is not in accordance with subsection 54.6(1). [unedited]

***Display Areas***

Section 340.5(1)(b) provides that all display areas that abut a Residential Zone or a Lane serving a Residential Zone shall be screened in accordance with the provisions of [subsection 55.4\(4\)](#) of this Bylaw.

Section 55.4(4) provides as follows:

Any trash collection area, open storage area, or outdoor service area, including any loading, unloading or vehicular service area that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have screen planting. The location,

length, thickness and Height of such screen planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to block the view from any adjoining Residential or Commercial Zone, or from the public roadway or Light Rail Transit line. Such screen planting shall be maintained to provide effective screening from the ground to a minimum Height of [1.85 m](#). If, in the opinion of the Development Officer, screen planting cannot reasonably be expected to survive, earth berming, masonry walls, wood fencing or other man-made features may be permitted as a substitution.

**Development Officer's Determination:**



4) All display areas that abut a Residential Zone or a Lane serving a Residential Zone shall be screened in accordance with the provisions of subsection 55.4(4) of this Bylaw. (Reference Section 340.4.5(1)(b))

- No landscaping or fences are provided to screen the proposed development from adjacent residential zone. Existing chain link fence is not in accordance with the provision of subsection 55.4. (Section 340.4.5(1)(b)) [unedited]

**Notice to Applicant/Appellant**

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

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	<p><b>Application for Major Development Permit</b></p>	<p>Project Number: <b>83588247-005</b>          Application Date: JUL 02, 2015          Printed: December 24, 2015 at 11:06 AM          Page: 1 of 2</p>		
<p>This document is a Development Permit Decision for the development application described below.</p>				
<p><b>Applicant</b></p> <p>STEELZ ON WHEELZ AUTO INC  </p>	<p><b>Property Address(es) and Legal Description(s)</b>          8303 - 118 AVENUE NW          Plan RN50 Blk 104 Lot 18          8303 - 118 AVENUE NW          Plan RN50 Blk 104 Lots 16-17</p> <hr/> <p><b>Specific Address(es)</b>          Entryway: 8303 - 118 AVENUE NW          Building: 8303 - 118 AVENUE NW</p>			
<p><b>Scope of Application</b>          To operate an Automotive/Minor Recreation Vehicle Sales/Rentals Use.</p>				
<p><b>Permit Details</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">                 Class of Permit: Class B                  Gross Floor Area (sq.m.): 36.96                  New Sewer Service Required: N                  Site Area (sq. m.):             </td> <td style="width: 50%;">                 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.): 36.96 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.): 36.96 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)			
<p>I/We certify that the above noted details are correct.          Applicant signature: _____</p>				
<p><b>Development Application Decision</b>          Refused</p>				
<p><b>THIS IS NOT A PERMIT</b></p>				





Project Number: **83588247-005**  
 Application Date: JUL 02, 2015  
 Printed: December 24, 2015 at 11:06 AM  
 Page: 2 of 2

## Application for Major Development Permit

**Reason for Refusal**

1) The proposed development, an Automotive and Minor Recreational Vehicle Sale/Rentals, is Discretionary within the CB2 Zone, and the site is within the Alberta Avenue Pedestrian Commercial Shopping Street Overlay.

- In the opinion of the Development Officer, the proposed development does not meet the General Purpose of the Alberta Avenue Pedestrian Commercial Shopping Street Overlay, which is to facilitate development of a pedestrian-oriented character to commercial and mixed use developments along 118 Avenue, between 76 and 105 Streets, in close proximity to residential areas. (Reference Section 821.1). The proposed Automotive and Minor Recreational Vehicle Sale/Rentals is incompatible with existing adjacent and surrounding pedestrian oriented uses.

2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or Light Rail Transit lines in accordance with the provisions of subsection 55.4 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service or display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw. (Reference Section 340.4(5))

- Parking spaces and outdoor display area are within the required setback contrary to Section 340.4(5).

3) All storage, display and parking areas shall be hardsurfaced in accordance with subsection 54.6(1) of this Bylaw. (Reference Section 340.5(1)(a))

- No hardsurfacing is provided for the parking and displayed areas. Existing surface is not in accordance with subsection 54.6(1).

4) All display areas that abut a Residential Zone or a Lane serving a Residential Zone shall be screened in accordance with the provisions of subsection 55.4(4) of this Bylaw. (Reference Section 340.4.5(1)(b))

- No landscaping or fences are provided to screen the proposed development from adjacent residential zone. Existing chain link fence is not in accordance with the provision of subsection 55.4. (Section 340.4.5(1)(b))

**Rights of Appeal**

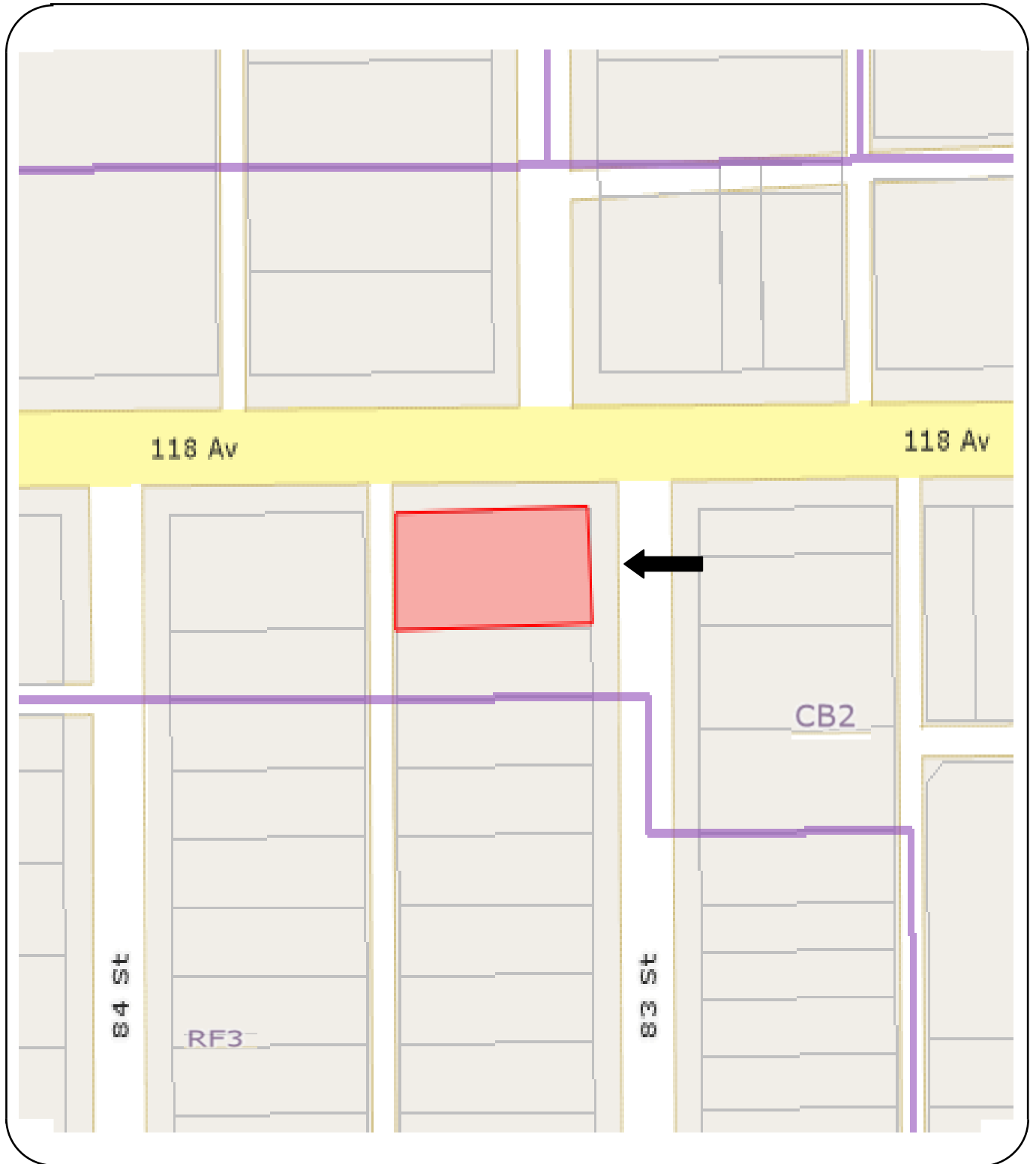
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 24, 2015    Development Authority: CHAN, CALVIN    Signature: \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$316.00	\$316.00	02555650	Jul 02, 2015
DP Notification Fee	\$100.00	\$100.00	02555650	Jul 02, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$416.00	\$416.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-007



***BUSINESS LAID OVER***

SDAB-D-15-298	An appeal by <u>Peter Rausch VS Davut Gokce</u> to erect an over height Fence (5.44 m in length on west property line at 2.44 m in Height) in the Rear Yard of a Single Detached House <b><i>January 13 or 14, 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>
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-15-252	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-15-268	An appeal by <u>Ken Chen / Ogilvie LLP</u> to Leave as built a Single Detached House. <b><i>January 15, 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>

***APPEAL HEARINGS TO BE SCHEDULED***

163727651-001	An appeal by <u>Harrison Wolfe</u> to operate a Temporary Non-Accessory Parking Lot for two years (December 2015 to December 2017) <b><i>January 6 or 7, 2016</i></b>
176013858-001	An appeal by <u>Abington Homes Ltd.</u> to construct a Single Detached House with a rear attached Garage, a front veranda, fireplace, basement development (NOT to be used as an additional Dwelling) <b><i>January 13 or 14, 2016</i></b>
171838918-001	An appeal by <u>Icwerx Consulting Inc.</u> to install one Minor Digital Off-premises Sign (Icwerx). <b><i>January 13 or 14, 2016</i></b>
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>