

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 13, 2016**

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

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

I	9:00 A.M.	SDAB-D-16-162	Develop a Secondary Suite in the Basement and to construct exterior alterations (install a side entrance on the main floor) to an existing Single Detached House 11808 - 169 Avenue NW Project No.: 221454622-001
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II	10:30 A.M.	SDAB-D-16-164	Construct a Secondary Suite in the Basement of an existing Single Detached House 7612 - 152 Street NW Project No.: 220106197-001
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III	1:30 P.M.	SDAB-D-16-165	Comply with an Order to cease the General Industrial Use (Trucking Company) and remove all materials from the Site before July 4, 2016. 6520 - 8 Street NW Project No.: 099312099-004
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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-16-162

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

APPELLANT:

APPLICATION NO.: 221454622-001

ADDRESS OF APPELLANT: 11812 – 169 Avenue NW

APPLICATION TO: Develop a Secondary Suite in the Basement and to construct exterior alterations (install a side entrance on the main floor) to an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: May 27, 2016

DATE OF APPEAL: June 12, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 11808 - 169 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11808 - 169 Avenue NW

LEGAL DESCRIPTION: Plan 0425561 Blk 86 Lot 18

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Canossa Neighbourhood Structure Plan
Castle Downs Extension Area Structure Plan

Grounds for Appeal

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

I am writing today on the matter of City File # 224154622-001. I would like to say thank you for your time and for listening to my case. My neighbour at address 11808 – 169ave NW approached my girlfriend with a letter ask her to sign for approval of an "in-law" suite for the house. She stated that she was not the rightful owner for the property and needed to speak to me. When I arrived home, I read the letter and it stated that he want to add a basement suite. This was contradicting what he had told my girlfriend as he was looking for approval for an "in-law" suite. Few days past he returned to retrieve the letter and see if I signed it. We discussed my disapproval of the basement suite he wants to add. My reasons on this suite are as follows:

I believe the basement suite should not be allowed for a few reasons. First there is no were enough parking in the neighbourhood to support a suite. There is only one extra spot on the street between each pair of homes. That leaves one spot to share between each neighbour for guest or family visiting. In the winter our neighbourhood street are hardly cleaned by the city so the extra spots become even more limited. Finally, I spoke on the phone with April Fang about how the tandem parking rule works. As I understood it, they have 4 spots available on their lot. Because there is two spots in the garage and two spots on the concrete driveway. As to date I have witnessed them park their third vehicle on the street and two vehicles in the driveway. This is evidence that they do not follow the tandem park rules. Thus providing evidence to my concern over parking issues as they already have created a bad habit since living here for the past few months.

My second concern is that it seems he does not understand what type of suite he wants to put in. During my discussion he stated he wanted to do an "in-law" suite for his in-laws. But the letter I received for rezoning is for a basement suite for renters. I did not find any info on the city of Edmonton site if there is a difference between an "in-law" suite and basement suite. Although, from previous experience of putting in such suites, I understand that with "in-law" suites, they use the main door, and there is no need for separate entrance. Therefore, I feel that allowing the rezoning of his home for a basement suite will allow for future renters into the neighbourhood. I feel I live in a nice, quiet area. I have noticed that there are no other houses in this neighbourhood that have basement suites, providing evidence that this basement suite does not belong in this neighbourhood.

Third and last reason for appealing this basement suite, is the entrance to it. These house are not built for basement suites in my opinion. Because in the letter I was sent, the lot does not even meet the minimum size requirements. From my understanding from our neighbour, and the changes that have already occurred to his property, such as the stepping stones he's laid down, he is planning on putting the entrance to the basement suite between my property and his. I have been trying to understand how this will work, as there is approximately 4 feet between each property. Therefore, this is evidence that his door will open to the edge of the property line. This will force people to enter onto my

property. Also, on the side of the house where he is planning on putting this entrance, there is gas meter and exhaust for hot water tank which do not meet the minimum distance to the door, if it is put in. Furthermore, in the winter, the snow that is removed off the driveways gets piled up on both sides of the driveway. This means that if he's allowed to build this basement, he's snow will have to be piled onto my property.

In conclusion, I strongly believe that the approval for rezoning his property should not be allowed to go through because of the lack of parking and abiding of the rules, the door placement for entrance to this suite, and the overall issues with rental of basement suite. During my conversation with April Fang about this approval of rezoning I was left confused about the requirements. From my understanding and research on the codes put in place, this lot does not meet the minimum requirements. If it does not meet the requirements, why is it being considered for approval? Because of my professional background as a red seal plumber, I have dealt with housing codes. There has always been a minimum standard that houses must meet, otherwise it fails inspection. Could you please send me more information, and clarification of bylaw codes for lot size for basement suites? And if these bylaws are guide lines or black and white rules.

Thank you for your time and consideration. I appreciate any guidance and opportunity to be heard on the matter at hand of basement suite rezoning approval. [unedited]

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given *in accordance with the land use bylaw*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.1 Class B Development

1. Within seven days of the issuance of a Development Permit for Class B Development, the Development Officer shall dispatch a notice by ordinary mail to:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land, wholly or partly within a distance of 60.0 m of the boundary of the Site;
 - c. the President of each Community League operating within the notification boundaries described in clause (b), above; and
 - d. the President of each Business Revitalization Zone Association operating within the notification boundaries described in clause (b) above.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

The decision of the Development Officer is dated May 27, 2016. Notice of the development was published in the *Edmonton Journal* on June 2, 2016. The Notice of Appeal was filed on June 12, 2016.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 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.

Under Section 115.2(3), **Secondary Suites** are a **Permitted Use** in the RSL Residential Small Lot Zone.

Section 7.2(7) states:

Secondary Suite means 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.

Site Area

Section 86(1) states:

A Secondary Suite shall comply with the following regulations:

1. the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m², except in the case of the RR Zone, where it shall be the same as the minimum Site area for the Zone.

Development Officer's Determination

The Development Officer referenced Section 86(1) and allowed the following variance:

Site Area - The area of the site is 343 m² instead of 360 m² (Section 86.1) [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*.



Project Number: 221454622-001
Application Date: MAY 10, 2016
Printed: May 27, 2016 at 12:27 PM
Page: 1 of 3

Minor Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant 	Property Address(es) and Legal Description(s) 11808 - 169 AVENUE NW Plan 0425561 Blk 86 Lot 18
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Scope of Permit
To develop a Secondary Suite in the Basement and to construct exterior alterations (install a side entrance on the main floor) to an existing Single Detached House.

Permit Details	
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

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



Project Number: **221454622-001**
 Application Date: MAY 10, 2016
 Printed: May 27, 2016 at 12:27 PM
 Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

This Development Permit authorizes the development of a Secondary Suite in the Basement and to construct exterior alterations (install a side entrance on the main floor) to an existing Single Detached House. The development shall be constructed in accordance with the stamped and approved drawings.

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

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

All required parking shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced. (Reference Section 54.6(1)(i))

A Secondary Suite shall be developed in such a manner that the exterior of the principal building containing the Secondary Suite shall appear as a single Dwelling. (Reference Section 86.4)

Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling. (Reference Section 86.5)

A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business; (Reference Section 86.6)

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three. (Reference Section 86.7)

The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. (Reference Section 86.8)

Dwelling means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household. (Reference Section 6.1(27))

Locked separation that restricts the nonconsensual movement of persons between each Dwelling unit shall be installed.

Secondary Suites shall not be included in the calculation of densities in this Bylaw. (Reference Section 86.9)

Immediately upon completion of the exterior alterations, the site shall be cleared of all debris.

As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Reference Section 57.2.1).

Advisements:

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

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

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

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



Project Number: **221454622-001**
 Application Date: MAY 10, 2016
 Printed: May 27, 2016 at 12:27 PM
 Page: 3 of 3

Minor Development Permit

Variations

Site Area - The area of the site is 343 m2 instead of 360 m2 (Section 86.1)

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.

Issue Date: May 27, 2016 **Development Authority:** FANG, APRIL

Signature: _____

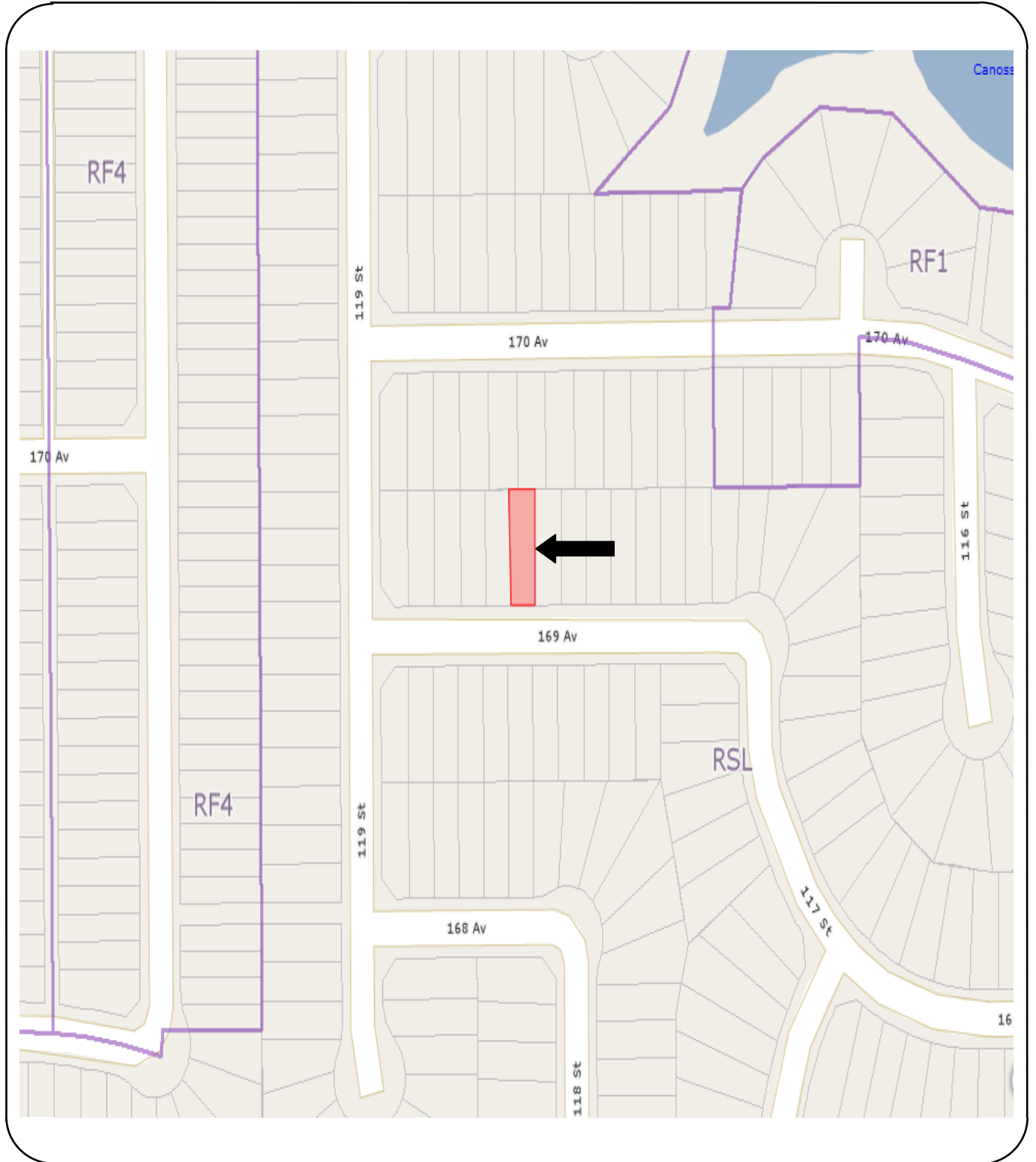
Notice Period Begins: Jun 02, 2016

Ends: Jun 15, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$41.00	\$41.00		
Dev. Application Fee	\$266.00	\$266.00	03269659	May 10, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03269659	May 10, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,873.00	\$1,873.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-162



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-164

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

APPELLANT:

APPLICATION NO.: 220106197-001

ADDRESS OF APPELLANT: 7616 - 152 Street NW

APPLICATION TO: Construct a Secondary Suite in the Basement of an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: June 10, 2016

DATE OF APPEAL: June 21, 2016

NOTIFICATION PERIOD: Jun 16, 2016 through Jun 29, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 7612 - 152 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7612 - 152 Street NW

LEGAL DESCRIPTION: Plan 1693MC Blk 4 Lot 51

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Appellant No. 1:

We appeal the approval of a Development Permit for a Secondary Basement Suite at 7612 ? 152 Street NW, Edmonton.

There is inadequate parking to support the legal requirement of 3 parking stalls, as required by the Bylaw.

The occupants of the rental property currently have two vehicles with another vehicle often parked on the street. Their guests have to park in front of other residences on the street, which impinges on guest parking for other properties on the street.

A Secondary Basement Suite will require that the street be permanently utilized for a parking stall, for at least one vehicle, and likely two vehicles. Just like the current renters, the renters /occupants of the basement suite will more than likely also have at least two vehicles. Four parking stalls are actually required for the property.

One, of the two existing stalls does not meet the Cities requirements for a legal parking stall. A portion of the parking stall area appears to be situated on city property. This second stall is actually a small concrete area that protrudes from the main driveway into their front yard area, at an approximate 10 degrees angle to the sidewalk.

The majority of property owners on the street utilize their driveways for parking their vehicles and there are seldom if any vehicles parked on the street (other than at the residence of concern). When vehicles are parked on each side of the road there is limited driving room for two vehicles to meet and pass one another. During the winter months it is already dangerous to meet and pass an oncoming vehicle on the road.

There would be numerous deficiencies in the residence for it to comply with Building Codes and Bylaws for a Secondary Basement Suite, i.e. size of basement windows, door openings and landings, electrical supply, size of water pipes, sanitary sewerage and venting, heating and ventilation supply etc.

By permitting permanent parking on the street the character of our neighbourhood will be negatively impacted.

The 'Development Permit Notice in Rio Terrace' states, under Zone ? Overlay, that there is no Overlay. I am of the understanding that there is an Overlay.

We ask that the Development Permit be cancelled and the development of a Secondary Basement Suite not be permitted.
[unedited]

Appellant No. 2:

I strongly oppose the development of a basement suite at 7612 - 152 Street. This house has no garage and there is inadequate parking on the property. This would mean that any additional cars would have to be permanently parked on the street making it difficult if not impossible for snow ploughs to clear the crescent during the winter
[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.

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, or
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

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.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

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

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

Under Section 110.2(3), **Secondary Suites** are a **Permitted Use** in the Rf1 Single Detached Residential Zone.

Section 7.2(7) states:

Secondary Suite means 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.

Parking

Subsection (2) of Section 54.2 Schedule 1 states:

2. Garage Suite Garden Suite Secondary Suite	1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.
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Development Officer’s Determination

The Development Officer referenced Section 54.2 Schedule 1 and allowed the following variance:

Parking - The site has 2 parking stalls, instead of 3 (Section 54.2 and Section 54.2 Schedule 1) [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*.



Project Number: **220106197-001**
 Application Date: APR 21, 2016
 Printed: June 23, 2016 at 11:42 AM
 Page: 1 of 3

Minor Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant <div style="border: 1px solid black; width: 100%; height: 40px; margin-top: 10px;"></div>	Property Address(es) and Legal Description(s) 7612 - 152 STREET NW Plan 1693MC Blk 4 Lot 51 Specific Address(es) Suite: BSMT, 7612 - 152 STREET NW Entryway: 7612 - 152 STREET NW Building: 7612 - 152 STREET NW
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Scope of Permit
 To construct a Secondary Suite in the Basement of an existing Single Detached House

Permit Details	
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:

I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved

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



Project Number: 220106197-001
Application Date: APR 21, 2016
Printed: June 23, 2016 at 11:42 AM
Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes the development of a Secondary Suite in the Basement, in an existing Single Detached House. The development shall be constructed in accordance with the stamped and approved drawings.

A Secondary Suite shall be developed in such a manner that the exterior of the principal building containing the Secondary Suite shall appear as a single Dwelling.

Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.

A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business;

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.

The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.

Secondary Suites shall not be included in the calculation of densities in this Bylaw.

The applicant shall remove the illegal parking pad in the front yard that is also partially on the City's Right of way.

Advisements:

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.

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

Variations

Parking - The site has 2 parking stalls, instead of 3 (Section 54.2 and Section 54.2 Schedule 1)

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.

Issue Date: Jun 10, 2016 Development Authority: HEIMDAHL, KENDALL Signature: _____

Notice Period Begins: Jun 16, 2016 Ends: Jun 29, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$41.00	\$41.00	03345795	Jun 09, 2016
Dev. Application Fee	\$266.00	\$266.00	03220520	Apr 21, 2016

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



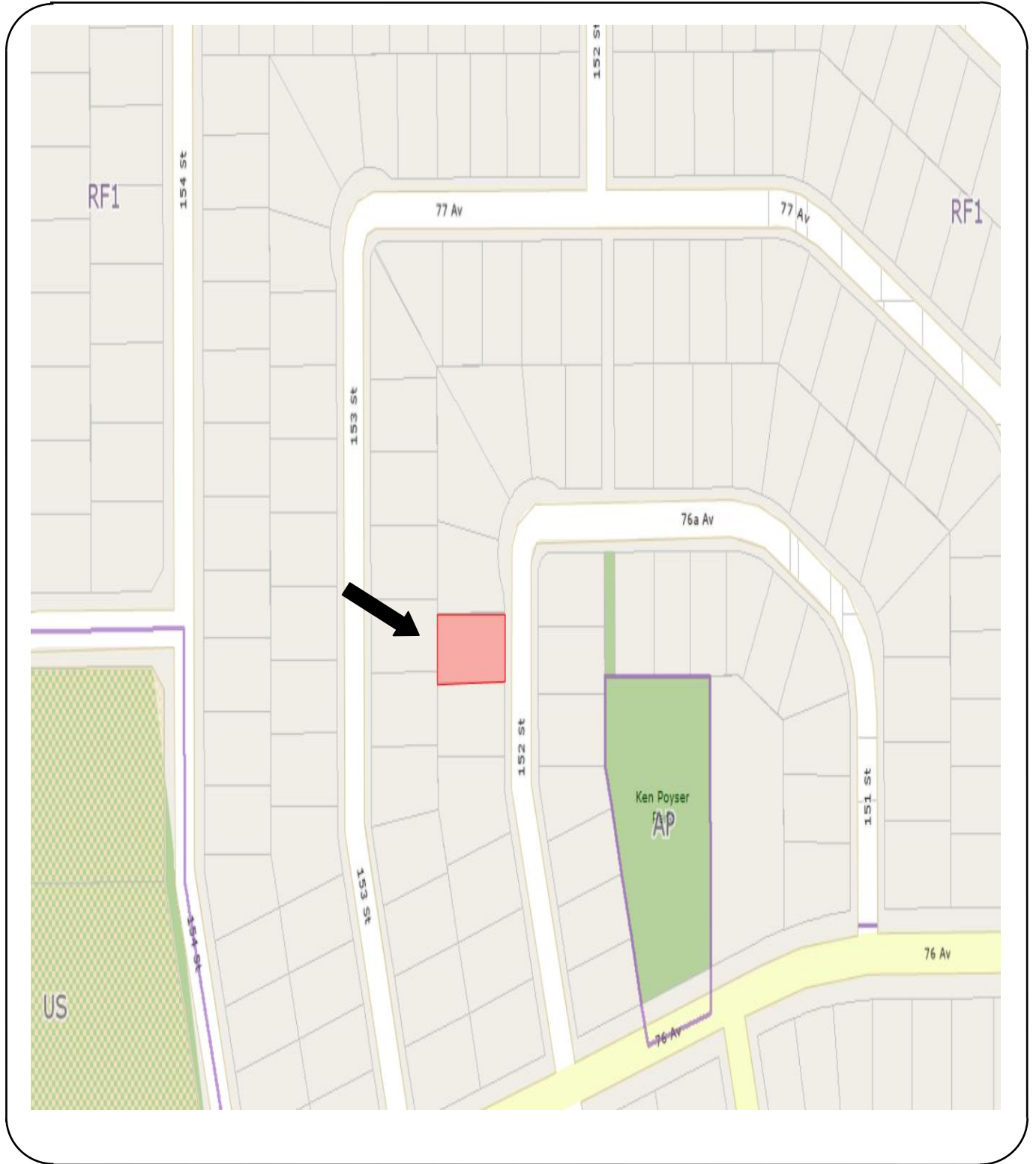
Project Number: **220106197-001**
Application Date: APR 21, 2016
Printed: June 23, 2016 at 11:42 AM
Page: 3 of 3

Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fee for Secondary Suite	\$693.00	\$693.00	03345795	Jun 09, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,000.00	\$1,000.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-164



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-165

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 099312099-004

ADDRESS OF APPELLANT: 6520 - 8 Street NW

APPLICATION TO: Comply with an Order to cease the General Industrial Use (Trucking Company) and remove all materials from the Site before July 4, 2016.

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: May 19, 2016

DATE OF APPEAL: June 2, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6520 - 8 Street NW

LEGAL DESCRIPTION: Plan 138KS Lot 8

ZONE: DC1 Direct Development Control Provision - DC1 (15767) – Maple Ridge Industrial

OVERLAY: Edmonton-Strathcona County Joint Planning Study Area Secondary, Garage and Garden Suites Overlay

STATUTORY PLAN: Maple Ridge Industrial Area Structure Plan

Grounds for Appeal

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

The site is subject to an ARP. The existing use of the site as temporary storage was recognized as a permitted and historic use. That fact has not changed. The owner should be allowed to continue to use as temporary storage until a change is requested [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, or

...

The Board is advised that the Order by the Development Authority is dated May 19, 2016. Fourteen days from the Order date is June 2, 2016 and the Notice of Appeal was filed on June 2, 2016.

Stop order

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

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

the development authority may act under subsection (2).

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

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

within the time set out in the notice.

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

Direct Control Districts

The *Municipal Government Act* states:

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Hearing and decision

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

...

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 5 provides the following with respect to **Approval Required for Development**:

5.1 No Person:

1. shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or
2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw.

Section 1 of DC1 (15767) – Maple Ridge Industrial states that the **General Purpose** of this (DC1) direct control district is:

- To recognize existing residential and limited non-residential uses as permitted uses, but to prohibit any increase in the number of residential dwellings/lots.
- To permit improvements or additions to existing residential uses.
- To allow industrial uses with full City of Edmonton Standard services that are compatible with adjacent residential uses.

Under Section 3(q) of DC1 (15767) – Maple Ridge Industrial, **General Industrial Uses** is a listed Use.

Section 7.5(2) states:

General Industrial Uses means the development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial business or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops, This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

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*.

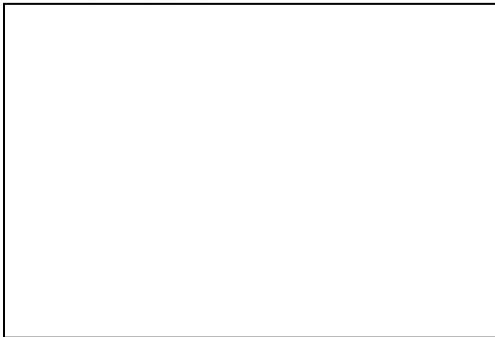


MAILING ADDRESS:
5th Floor, 10250 - 101 Street NW
Edmonton, AB T5J 3P4

REGULAR MAIL

May 19, 2016

Our File: 099312099-004



Dear Sir/Madam:

A check with Land Titles Office discloses that you are the registered owner(s) of the property located at 6520 - 8 STREET NW, legally described as Plan 138KS Lot 8.

The property was visited by Development Compliance Officer, James Bailey, on May 13, 2016, as authorized by the City of Edmonton having the authority to exercise development powers under Section 624 of the Municipal Government Act, R.S.A. 2000.

Our investigation on May 13, 2016, revealed that SIDHU BROS. TRUCKING occupy the property located at 6520 8 St NW, legally described as Plan 138KS Lot 8.

LAND USE INFRACTION:

This property is zoned DC1 15767 (Direct Development Control Provision - Maple Ridge Industrial) in accordance with Edmonton Zoning Bylaw. Our investigation revealed that a General Industrial Use (Trucking Company) has been developed. The City of Edmonton has not issued a development permit to develop a Use, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

Section 5.1 of Edmonton Zoning Bylaw 12800 states No Person:

1. shall commence, or cause or allow to be commenced, a Development without a Development Permit therefor issued under the provisions of Section 12 of this Bylaw; or
2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO:

1. CEASE THE GENERAL INDUSTRIAL USE (TRUCKING COMPANY) AND REMOVE ALL MATERIALS FROM THE SITE, BEFORE JULY 4, 2016.

CONSEQUENCES FOR NON-COMPLIANCE:

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected on July 4, 2016 to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED that IF YOU DO NOT:

1. CEASE THE GENERAL INDUSTRIAL USE (TRUCKING COMPANY) AND REMOVE ALL RELATED MATERIALS FROM THE SITE, BEFORE JULY 4, 2016.

The City will carry out the Order pursuant to Section 646 by entering on the land and taking any action necessary to carry out the Order pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

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

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

Regards,

James Bailey
Development and Zoning
Development Services
Email Address: james.bailey@edmonton.ca

**Adding
Amounts
Owing to tax
roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
 - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
 - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
 - (d), (e) repealed 1999 c11 s35;
 - (f) costs associated with tax recovery proceedings related to the parcel;
 - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
 - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
 - (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board was related to the parcel;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.

Stop order

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

**Enforcement of
stop order**

- 646(1)** If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- (2)** A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

- (3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Permit

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

Grounds for appeal

- 685(1)** If a development authority

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

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

- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

- (2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.

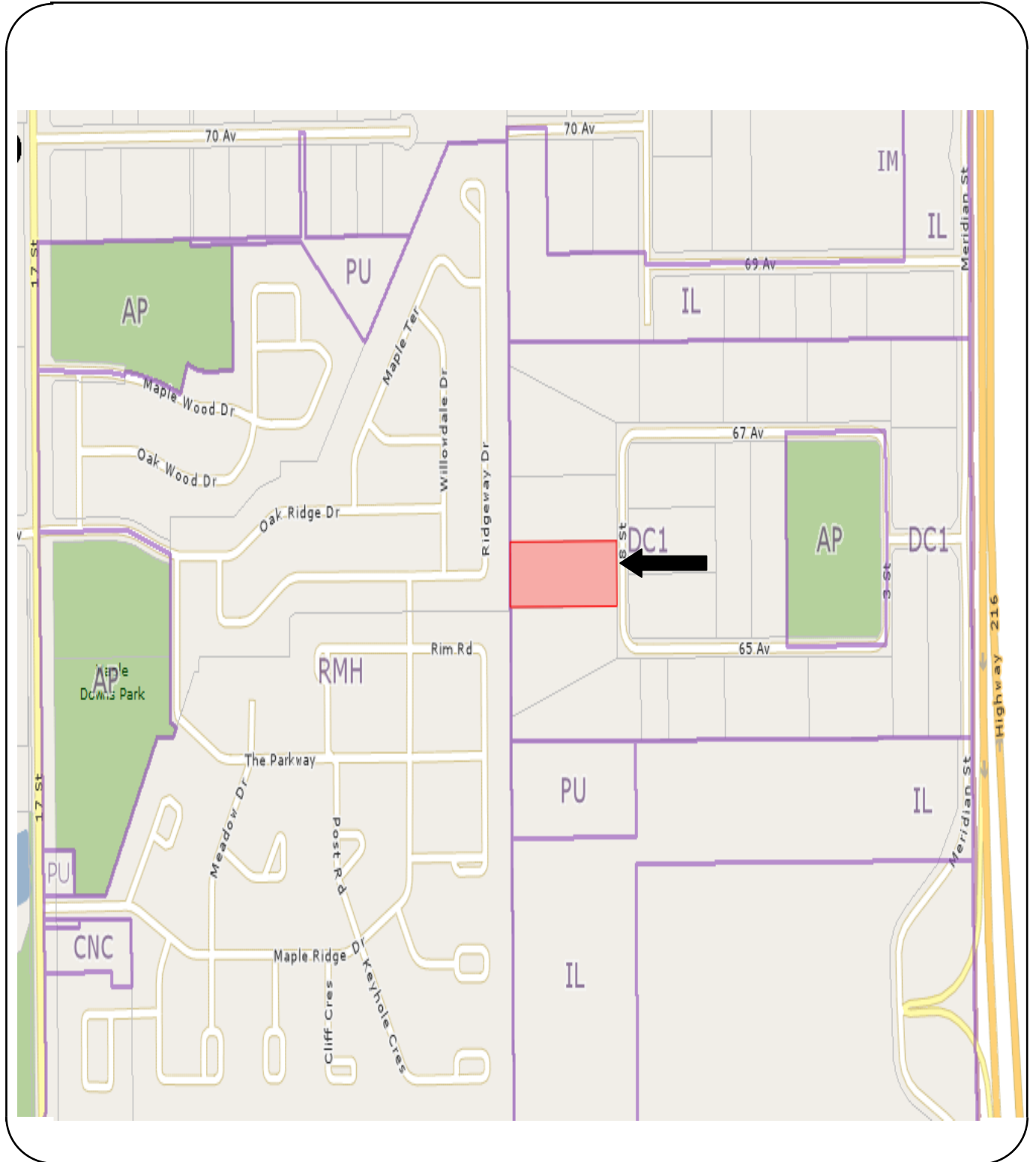
- (3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing

- (a) to the appellant,
- (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
- (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

- (4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

- (a) the application for the development permit, the decision and the notice of appeal, or
- (b) the order under section 645.

- (5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-165

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N

BUSINESS LAID OVER

SDAB-D-16-120	An appeal by <u>The House Company</u> to construct a Single Detached House with attached Garage, veranda, fireplace, rear balcony (irregular shape, 4.25 metres by 2.22 metres) and Basement development (NOT to be used as an additional Dwelling) <i>August 3, 2016</i>
SDAB-D-16-136	An appeal by <u>Bill Co. Incorporated</u> to extend the duration of a Freestanding Minor Digital Off-premises Sign (3.05m x 10.37m Single Sided Facing South) <i>August 17 or 18, 2016</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>