

# ***Edmonton Subdivision and Development Appeal Board***

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Date: June 26, 2015  
Project Number: 128697578-003  
File Number: SDAB-D-15-093

## **Notice of Decision**

This appeal dated April 15, 2015, from the decision of the Development Authority for permission to:

Construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits

on Plan 0625347 Blk 1 Lot 52, located at 1591 - 37C Avenue NW, was heard by the Subdivision and Development Appeal Board at its hearing held on May 13, 2015. The decision of the Board was as follows:

### ***May 13, 2015 Hearing:***

MOTION:

“that the appeal be scheduled on June 10 or 11, 2015, at the written request of the Appellant.”

### ***June 11, 2015 Hearing:***

MOTION:

“that SDAB-D-15-093 be raised from the table.”

### **Summary of Hearing:**

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the Municipal Government Act, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits located at 1591 – 37C Avenue NW. The subject site is zone RSL Residential Small Lot Zone.

The development permit was refused because the existing concrete extension does not lead to an overhead Garage door or Parking Area, exceeds the maximum allowable Driveway width; the Front Yard of this property is being used for parking and parking is not allowed on the Front Yard; the Front Yard should be landscaped; and a commercial vehicle is being parked on the Driveway extension.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

- Documentation submitted with the Appeal on April 15, 2015.
- A written submission received from Sustainable Development on May 12, 2015; and
- An on-line response in opposition to the proposed development.

The Board heard from Mr. and Mrs. Brar, the Appellants, who was accompanied by Mr. Gill, who was interpreting for the Appellants. Mr. Gill made the following points:

1. The driveway extension was in existence when Mr. and Mrs. Brar purchased the property in 2010.
2. Mr. Brar's brother-in-law used to park a trailer and bobcat on the driveway extension; however, these are now being parked at another location.
3. Mr. Brar is employed by the City and operates large plows that cannot be parked on the driveway.
4. The concrete driveway extension is used as a play area for their children and to display potted plants and other landscaping features.
5. Mr. and Mrs. Brar own two vehicles that are parked in the garage or on the driveway that leads to the garage.
6. The driveway and driveway extension drains onto the street.
7. Mr. Gill reviewed photographs that were included with Mr. Brar's previous submission and additional photographs illustrating other properties in the area that have driveway extensions, marked Exhibit "A".
8. Some of the properties in the area have driveway extensions on both sides of the property; however, he did not know if the driveway extensions had permits.
9. One of the neighbouring driveway extensions was constructed with paving blocks and not concrete.
10. Mr. Gill provided the Board with a petition with 13 signatures from adjacent property owners in support of the proposed development, marked Exhibit "B".
11. One property owner did not sign the petition and there were several houses where they unable to contact the property owners.

In response to questions by the Board, Mr. Gill, provided the following information:

1. He confirmed that the landscaping features shown on the submitted plans were potted plants and shrubs.
2. He conceded that the subject site is at the end of a cul-de-sac and there is no rear access, which can lead to parking issues in the area.

3. Most of the residents park their vehicles on their driveway so there are not parking issues even in the winter when snow is piled in the middle of the cul-de-sac.
4. He confirmed that the concrete driveway extension was in existence when the property owners purchased the property.
5. He confirmed that the concrete driveway extends down the side yard to the rear yard.

The Board then heard from Mr. Xie, representing Sustainable Development, who made the following points:

1. He requested a landscaping plan and suggested that the Appellant construct a swale between the subject site and the property to the east.
2. He confirmed that the concrete driveway extends down the side yard to the rear yard.

In response to questions by the Board, Mr. Xie provided the following information:

1. He was asked if the driveway extension had a permit, would it be considered a legal non-conforming. He stated that it was possible; however, it was unclear if a permit was required at the time the driveway extension was constructed.
2. He conceded that monolithic concrete could be used for a walkway leading from the front to the rear yard; however, there is no definition in the *Edmonton Zoning bylaw* restricting the width of the walkway.
3. He believes that the principal dwelling was built prior to 2007 and when he reviewed past aerial Google imagery, it was not clear if the driveway extension existed prior to 2010.

In rebuttal, Mr. Gill made the following points:

1. The driveway extension is not being used for parking.
2. Mr. Brar assumed that the driveway extension had a permit when he purchased the property.
3. Mr. and Mrs. Brar do not wish to remove the driveway extension as there would be a financial hardship. They wished to place several plant pots on the driveway extension as an alternative.
4. The neighbouring property owners are in support of the proposed development.
5. He acknowledged that the immediately adjacent property owner to the east is a renter and he was unable to contact the neighbouring property west of the subject Site.

**Decision:**

The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to the following CONDITIONS:

1. A Landscape Plan must be submitted to the satisfaction of the Development Authority. The Landscape Plan shall mitigate the negative impact of the monolithic concrete.

This can be achieved by large concrete planters located in a fashion to prohibit parking within the required Front Yard. Concrete may be cut from the required landscaped yard area and side property lines to create landscaped buffer from adjacent properties, which allows for the installation of mature vegetation and for runoff drainage away from buildings and abutting properties. (Reference Section 55 of the *Edmonton Zoning Bylaw*).

2. Immediately upon completion of the landscape alterations, the site shall be cleared of all debris.
3. Absolutely no parking is allowed within the required Front Yards/Setbacks other than what was approved on the site plan for the original Development Permit #62720822-001(Reference Section 54.2 of the *Edmonton Zoning Bylaw*).

Notes:

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.

Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

Advisement:

Drainage Services has stated there may be potential for drainage issues such as runoff (flooding) into the foundation and/or basement of the subject lot and runoff into the abutting lot.

In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:

Pursuant to Section 54.1(4)(b), a 3.05 metres relaxation to the maximum width of a Driveway of 6.20 metres is granted.

Pursuant to Section 55.4(1), a relaxation of the (north) Side Yard to be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative materials is granted.

**Reasons for Decision:**

The Board finds the following:

1. The proposed development is Accessory to a Permitted Use in the RSL Residential Small Lot Zone.
2. The Board recognizes that the monolithic concrete is not appropriate landscaping materials and causes an unsightly appearance for neighbouring properties.

Placement of appropriate planters could alleviate this situation. Also this would prevent parking on the concrete extension and the Board feels these conditions should mitigate concerns of neighbouring properties.

3. The Development Officer could not confirm when the Driveway extension was constructed. The Board notes a development permit may not have been required at the time of construction.
4. The Board further notes that a petition with 13 signatures from adjacent property owners in support of the proposed development was received.
5. The Board notes no letters were received in opposition of the proposed development and no one appeared in opposition of the proposed development.
6. Based on the above, it is the opinion of the Board, with the attached conditions, the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

### **Important Information for Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5<sup>th</sup> Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.

6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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

Mr. B. Gibson, Presiding Officer  
Subdivision and Development Appeal Board

CC:

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Date: June 26, 2015  
Project Number: 169896618-001  
File Number: SDAB-D-15-119

## **Notice of Decision**

This appeal dated May 19, 2015, from the decision of the Development Authority for permission to:

Construct a two Storey Accessory Building (Garage Suite on the upper floor, Garage on the main floor, 7.32m x 7.32m)

on Plan 9926029 Blk 12 Lot 50, located at 1460 - Grant Way NW, was heard by the Subdivision and Development Appeal Board at its hearing held on June 11, 2015. The decision of the Board was as follows:

### **Summary of Hearing:**

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to approve an application to construct a two Storey Accessory Building (Garage Suite on the upper floor, Garage on the main floor, 7.32m x 7.32m) located at 1460 Grant Way NW. The subject Site is zoned RPL Planned Lot Residential Zone.

The Development Permit was approved with conditions with a variance granted in the locational requirement and was subsequently appealed by an adjacent property owner.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

- Documents submitted by the Appellant with the Appeal on May 19, 2015.
- Additional information submitted by the Appellant on June 4, 2015.
- Three on-line responses in opposition to the proposed development.
- Photos submitted by the Appellant on June 11, 2015
- Submission from the Respondent on June 11, 2015

The Board heard from Ms. Belliveau, the Appellant, who made the following points:

1. She submitted a written submission and referred to points of her submission.
2. She wants to protect her investment and her property.
3. She is opposed to the location of the garage suite as it does not meet the requirements of the *Edmonton Zoning Bylaw*.
4. She is concerned with the placement of the windows in the garage suite as they will impact her and her neighbour's privacy. There will be 8 windows on the second floor and five of them overlook her yard as shown in the photographs in TAB 3 of her submission.
5. The Floor Area for the garage suite exceeds 60 square metres due to the main floor workshop area, which could be used as additional living space.
6. The property owners have three large vehicles; two trucks and a minivan. In her opinion, there will not be enough parking spaces on the subject site to accommodate all of the vehicles.
7. She is concerned that there will not be enough parking spaces when snow is piled on the property.
8. The previously submitted photographs demonstrate how parking is an issue on the street and the rear lane.
9. The increase in parking for the garage suite will increase safety hazards due to an excess in traffic.
10. The Glastonbury Community League held a meeting and it was stated that new roads will be built nearby to accommodate an approved school development and spray park which will increase traffic volume, congestion, and parking in the future.
11. In her opinion the community consultation undertaken with the affected parties by the Respondent was inadequate.
12. The Grange Home Owner's Association (GHOA) in the Glastonbury neighbourhood indicated that they would support the proposed development if there was no opposition from neighbouring property owners.
13. She paid a premium amount for her lot and at the time assumed the City's bylaws would be upheld.
14. In her opinion, the proposed development will have a "fishbowl effect" on her property and decrease the value of her property. She purchased this property in order to avoid this effect.
15. She referenced TAB 1 of her submission, an email from a Realtor indicating that the Garage Suite will decrease the value of her property.
16. In TAB 2 of her submission, she provided the information she shared with the neighbouring property owners regarding the proposed development. She received responses from 31 percent of the neighbouring property owners in opposition to the proposed development.
17. She provided the Board with a petition with 18 signatures from 9 properties, in opposition to the proposed development.
18. She provided the Board with two letters from neighbouring property owners in opposition to the proposed development.
19. She would prefer if the Respondent developed a secondary suite in the basement of the principal dwelling rather than a garage suite.



In response to questions by the Board, Ms. Belliveau provided the following information:

1. She understood that the community consultation was not a requirement in the *Edmonton Zoning Bylaw*, but should be a common practice.

The Board then heard from Mr. Xie, representing Sustainable Development, who made the following points:

1. He reviewed his written submission with the Board.
2. He clarified that the living area of the garage suite is calculated by the floor area on the second floor not including the main floor which is used for parking (Section 87.3 of the *Edmonton Zoning Bylaw*).
3. The locational criteria was waived for the following reasons:
  - a. There will be no interference on neighbouring properties.
  - b. There is sufficient on-site parking.
  - c. The proposed development is typical of properties that have garages in the neighbourhood.
  - d. There is adequate separation space between adjacent properties.
  - e. There will not be a privacy impact on neighbouring properties due to the setback of the garage and a walking trail that separates the east and west neighbours.
4. There is a walking trail accessing Guardian Road, which is an arterial roadway close to the proposed development.
5. In his opinion, the proposed development meets the City's infill initiative of the RSL Planned Lot Residential Zone.
6. The proposed development is consistent with the Municipal Development Plan.

In response to questions by the Board, Mr. Xie provided the following information:

1. In his opinion, the separation distance from the neighbour to the west includes the walking trail, a rear lane, and a green space that has a separation distance of 24 metres between the property lines.
2. There is sufficient parking space and the property owner indicated that they could remove the existing fence along the rear lane to accommodate the extra parking space required for the proposed development.
3. He agreed that this is not a corner lot.
4. The workshop on the main floor is not part of the living area of the garage suite.
5. The definition of a garage suite includes cooking facilities, washroom facilities, and a sleeping area on the main floor. The workshop is not included in this description.
6. A door could be installed to separate the stairwell and the workshop area.
7. He provided the Board with a copy of the Certificate of Title releasing the Caveat marked Exhibit "A".

The Board then heard from Mr. Warner, the Respondent, who made the following points:

1. He submitted a comprehensive overview of the proposed development and highlighted points of his submission.
2. The need for the garage suite is a social and financial win/win situation for the property owner and their extended elderly family.
3. There is no guarantee in the *Edmonton Zoning Bylaw* for privacy amongst neighbours.
4. The “fishbowl effect” referenced by the Appellant is prevalent in most residential neighbourhoods.
5. He contacted several neighbours prior to applying for a development permit and during community consultation regarding the proposed development and felt his community consultation was complete.
6. The proposed development will not negatively impact neighbouring property owners.

In response to questions by the Board, Mr. Warner provided the following information:

1. He clarified that the workshop on the main floor is not part of the living area.
2. There is one main door entrance to the garage, which leads to a staircase to the garage suite. There is also a door that separates the workshop area and the parking area of the garage.
3. One vehicle can be parked in the garage and two vehicles can park on the parking pad in front of the garage.
4. There will be no sun shadowing effect on neighbouring property owners.
5. Developing a secondary suite in the basement of the principal dwelling is not an option.

The Board then heard Ms. Goerz, a neighbouring property owner, who made the following points

1. She is in support of the proposed development.
2. She submitted photographs of the neighbourhood, marked Exhibit “B”.
3. She can see the neighbourhood west of her property and the neighbour’s backyard as her property is on higher land.
4. In her opinion, the proposed development will make the property more secure and private.
5. The Respondent was informative and willing to consult with her regarding the proposed development.
6. She spoke to a realtor regarding the proposed development who indicated that, in her opinion, the proposed development will increase her property value due to the increase in privacy and security on her property.
7. In her opinion, the public walkway located rear of her property provides an opportunity for crime to take place in the area.
8. The proposed garage suite will allow for the resident to have a watchful eye on activities taking place in the area, which will increase security of the area.
9. She referenced the Appellant’s photographs illustrating the parking in the area and stated that all of the neighbour’s have adequate parking in their garages but choose to park on the street.

In rebuttal Ms. Belliveau made the following points:

1. With regard to security, she stated that the Edmonton Police Services recommended property owners to reduce fence height and roof lines which would increase security.
2. The Glastonbury Home Owner's Association is not responsible for overseeing her property.
3. She reiterated that the proposed development will negatively impact her privacy when she is home.
4. She cannot see the public walkway from her back yard.

**Decision:**

The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as approved by the Development Authority, subject to the following CONDITIONS:

1. This Development Permit authorizes the development of a two Storey Accessory Building (Garage Suite on the upper floor, garage on the main floor, 7.32m x 7.32m).
2. The development shall be constructed in accordance with the stamped, redlined, and approved drawings.
3. 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. Immediately upon completion of the Accessory Building, the site shall be cleared of all debris.
4. The Height of the Garage containing a Garage Suite (above Grade) shall not exceed 6.5m in accordance with the height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800 (Reference Section 87.2).
5. Eave projections shall not exceed 0.60m into required yards or Separations spaces 1.2m or greater. (Reference Section 44.1(a)).
6. All roof drainage shall be directed away from buildings and to a public roadway, including a Lane, or to a drainage work.
7. There shall be privacy screening feature(s) on the windows to obscure views into the abutting lot to the northeast.
8. Only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling (Reference Section 87.11).
9. A Garage Suite or Garden 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 or Garden Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business (Reference Section 87.13).
10. Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three (Reference Section 87.12).
11. Garage Suites and Garden Suites shall not be included in the calculation of densities in this Bylaw (Reference Section 87.16).

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

Proposed sleeping units: 1

Required additional parking spaces: 1

13. The portion of the fence that runs perpendicular to the Lane at the rear of the Site, shall be removed, to accommodate one of the required parking spaces on the Driveway.
14. For an on-site driveway in any Residential Zone, the area required to be hardsurfaced may be constructed on the basis of separated tire tracks, with natural soil, grass, or gravel between the tracks, but shall be constructed so that the tires of a parked or oncoming vehicle will normally remain upon the hard surface. (Reference Section 54.6.2(b)).
15. Except for the hardsurfacing 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.
16. One deciduous tree, one coniferous tree, and four shrubs shall be required in accordance with Section 130.4(15). The location, size, and species of landscaping shall comply with Section 55 of the Edmonton Zoning Bylaw 12800.
17. A minimum private yard area of 45 m<sup>2</sup> per Dwelling shall be designated on the Site Plan for the active or passive recreation use of the occupants. Neither the width nor length of such a yard shall be less than 4.0 m. This minimum private yard may be located within a required Yard, other than a Front Yard. This yard shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 130.4(8)).
18. All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).

Notes:

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. (Reference Section 5.2)

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.

Household means: one or more persons related by blood, adoption, foster care, marriage relationship; or a maximum of three unrelated persons; all living together as a single social and economic housekeeping group and using cooking facilities shared in common. For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.

Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

The applicant is advised to research the Land Title for this property and to be aware of any restrictions in any Restrictive Covenants registered against the legal title. This approval does not imply consent for any structure that does not meet the requirements of the Restrictive Covenant.

**Variance:**

Class B Discretionary Development: Garage Suite is a Discretionary Use in the RPL Zone. (Reference Section 130.3(2))

Section 130.4(18) relaxed - Garage Suites and Garden Suites shall comply with Section 87 of this Bylaw, and may be located:

- a. on corner Lots;
- b. on Lots facing a service road;
- c. on Lots backing onto a Lane adjacent to an arterial road that is separated from the Lane by a landscaped boulevard; or
- d. on Lots where a Side or Rear Lot Line abuts a Site in a Row Housing, Apartment, or Community Services Zone, or any Site in a Zone where Public Parks are a Permitted Use, or is not separated from these Sites by a public roadway more than 10.0 m wide.

**Reasons for Decision:**

The Board finds the following:

1. The proposed development is a Discretionary Use in the RPL Planned Lot Residential Zone.
2. The Board finds that the purpose of the locational requirement for a Garage Suite is to ensure no unnecessary intrusion of privacy on adjacent properties.
3. The Board is satisfied this purpose is accomplished and waives the locational criteria for the following reasons:
  - a. Based on the evidence submitted by the Development Authority, there is a 24 metres separation distance between the Rear Property Line of the subject property and the houses west of the Public Utility Lot. As a result, the Board finds there will be minimal impact on privacy.

- b. The principal residence and many homes to the south on Grant Way are two-Storeys and have second floor windows facing west that are approximately as close to the homes on Goodridge Crescent as the proposed Garage Suite.
  - c. The Board notes although the proposed development does not meet the location criteria for a Garage Suite, the proposed development is:
    - i. east of a wide Public Utility Lot which serves as a public walkway that will mitigate privacy impact on adjacent lots;
    - ii. located on a lot where the Rear Lot Line abuts a Site where public park is allowed as a Discretionary Use; and
    - iii. located in close proximity to an arterial road with bus routes, shopping centers, and public parks nearby;
  - d. The proposed development meets the requirements of on-site parking spaces and will not create a negative impact to on-street parking.
  - e. The proposed development does not impact the built form and streetscape of the blockface.
  - f. The proposed development will not create an impact on the outdoor amenity space.
  - g. The immediate neighbour to the east of the subject Site is in support of the proposed development and agrees the separation space is sufficient to mitigate their concerns.
4. Based on the above, it is the opinion of the Board, that the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

#### **Important Information for Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5<sup>th</sup> Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.

4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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

Mr. B. Gibson, Presiding Officer  
Subdivision and Development Appeal Board

CC: