



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

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Date: June 30, 2016
Project Number: 171148573-008
File Number: SDAB-D-16-141

Notice of Decision

- [1] On June 15, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **May 20, 2016**. The appeal concerned the decision of the Development Authority, issued on May 19, 2016, to refuse the following development:

Construct a Secondary Suite in the Basement

- [2] The subject property is on Plan 1322042 Blk 2 Lot 4, located at 9251 - 93 Street NW, within the RF3 Small Scale Infill Development Zone. The Mature Neighbourhood Overlay applies to the subject property.
- [3] The following documents, which were received prior to the hearing and are on file, were read into the record:
- The refused development permit with permit application and plans attached;
 - A registered mail delivery receipt; and
 - The Development Officer's written submissions.

Preliminary Matter

- [4] 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.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the Municipal Government Act, R.S.A 2000, c. M-26.

Summary of Hearing

i) *Position of the Appellants, Ms. L. Filice & Mr. A. Nardi*

- [7] The Appellants reiterated the Grounds for Appeal included in the Notice of Appeal.
- [8] They stated that the subject property is located within the RF3 Small Scale Infill Development Zone, which permits Secondary Suite development.
- [9] The proposed development was refused by the Development Authority because it is deficient by one parking space. However, this deficiency will not interfere with the amenities of the neighbourhood or negatively affect the value of neighbouring properties.
- [10] Given the location of the subject property, parking will not be an issue. There is ample parking available on 93rd Street, and there are no on-street parking restrictions in effect on that street. The Appellants have owned four adjacent lots on that street for years and, even with all four lots currently under development, parking has never been an issue.
- [11] Although subsection (2) of section 54.2 Schedule 1(A) of the *Zoning Bylaw* allows tandem parking on the Driveway, they are seeking a variance of one parking space because tandem parking will not accommodate the proposed development's needs. If tenants park in a tandem space on the Driveway, they will block the homeowners on the main level from exiting the Garage. Therefore, even if tandem parking is made available, tenants will have to park on the street.
- [12] Further, constructing a parking pad next to the Garage is not an appropriate solution. The lot is too narrow to accommodate both a parking pad and Garage. With the existing size of the Garage, there is not enough space to meet the 2.6-metre minimum parking space requirement. In order to accommodate a parking pad, they would have to shrink the Garage to under 20 feet. This is below the minimum allowable size for a Garage. They have attempted to make such an arrangement work with past developments but found that the homeowners in those circumstances ultimately did not use the installed parking pads. It was always safer and easier for them to park on the street.
- [13] They have built developments in many mature neighbourhoods in the past and have not had a problem with on-street parking. Even in neighbourhoods with parking restrictions in effect, residents are given a parking pass for the area. On-street parking is common in these mature neighbourhoods.
- [14] The Appellants also made reference to an adjacent development, a four-plex, that they suspect also has a parking deficiency. The parking deficiency next door has not been an issue due to ample on-street parking on 93rd Street.

ii) Position of the Development Officer, Ms. K. Heimdahl

- [15] The Development Officer confirmed that the parking space was the only variance required for the proposed development. She did not consult Transportation Services regarding the subject Site but noted that it is typically a hardship on a neighbourhood to have additional parking on the street.
- [16] The Appellants would be able to build the proposed development without it requiring any variances by accommodating tandem parking spaces, but this would result in a smaller back yard.
- [17] She did not visit the Site to evaluate on-street parking. She evaluated the current on-street parking situation on 93rd Street by assessing photographs produced by Google Maps.
- [18] In her opinion, if the Appellants were to be granted this variance along with potential parking variances for the other developments they own on this street, it would become a problem for the neighbourhood.

iii) Position of Affected Property Owner in Opposition to the Appeal, Ms. A. Roth

- [19] Ms. Roth confirmed that she lives on 92nd Street, across the alley from the subject Site.
- [20] She stated that the alley behind the proposed development is very narrow and congested by traffic and parked vehicles. She has almost been hit by vehicles several times, and, due to the number of children and pets in the area, she considers the congested alley to be a significant safety concern.
- [21] On-street parking will also become a concern if the proposed development is approved. There is already a lack of parking on the street due to congestion in the area. In particular, overflow from the parking lot at Bonnie Doon Hall spills onto 93rd street during events, making it difficult to find on-street parking.
- [22] Given the choice to allow more parking in the alley or on the street, she would rather the Applicants be able to park on the street. She consulted with neighbours in the area and had them sign a petition supporting the refusal of the proposed development on the basis that they did not want more vehicles in the alley.
- [23] Ultimately, allowing this variance will set a precedent that will have a negative impact on the amenities of the area going forward. There eventually will not be any parking on the street.

iv) Rebuttal of the Appellant

- [24] The Appellants agree that the alley is congested, and that is why they would prefer to have parking on the street.
- [25] With respect to the on-street parking on 93rd Street, events at Bonnie Doon Hall are intermittent. They happen on rare occasions and last for a few hours at a time, but vehicles can be parked elsewhere on those occasions.
- [26] Whether or not there is sufficient on-street parking is a matter of opinion. In their opinion, there is ample parking available on the street.

Decision

- [27] The appeal is ALLOWED, and the decision of the Development Authority is REVOKED. The Development is GRANTED, subject to the following conditions:
- 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.
 - ii) Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.
- [28] In granting the development, the following variances to the *Zoning Bylaw* are allowed:
- i) The parking requirements of s. 54.2(2) Schedule 1 are varied by 1 parking space.

Reasons for Decision

- [29] The proposed development is a permitted use in the RF3 Small Scale Infill Development Zone.
- [30] To have sufficient parking on Site, the Appellant will need a Driveway large enough to accommodate tandem parking off the alley.
- [31] The Board heard evidence from an affected neighbour that the most pressing concern with respect to this development is the potential for vehicles to be parked on Driveways adjacent to the alley. She advised that the alley is very congested and, in some cases, dangerous due to the amount of traffic and reduced sightlines. She presented a petition signed by several neighbours that she said supported her view.
- [32] The Board notes that there is a bus route one block from the proposed development on 92nd Street and that an LRT line is being constructed in close proximity. These options

for public transportation will reduce the need for cars in the neighbourhood. Also, the park across the street from the proposed development will, with the exception of times when events are being held there, reduce the parking requirements on that street, as it is not a street with residences on both sides.

- [33] The Board is of the opinion that allowing the parking variance so there will be less traffic in the alley will not result in a significant impact in demand for parking on the street.
- [34] For these reasons, the Board is of the view that allowing a parking variance 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.

Mark Young, Presiding Officer
Subdivision and Development Appeal Board

Board Members in attendance

Ms. P. Jones, Mr. R. Handa, Ms. G. Harris, Mr. A. Peterson

Advisements

1. Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
2. 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;
3. The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th 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.



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Date: June 30, 2016
Project Number: 175572028-009
File Number: SDAB-D-16-142

Notice of Decision

- [1] On June 15, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **May 25, 2016**. The appeal concerned the decision of the Development Authority, issued on **May 19, 2016**, to refuse the following development:

Construct an Accessory Building (rear detached Garage, 6.71m x 7.01m)

- [2] The subject property is on Plan 1322042 Blk 2 Lot 3, located at 9249 - 93 Street NW, within the RF3 Small Scale Infill Development Zone. The Mature Neighbourhood Overlay applies to the subject property.
- [3] The following documents, which were received prior to the hearing and are on file, were read into the record:
- The refused development permit with attachments;
 - An Accessory Building permit application;
 - A registered mail notice of delivery; and
 - The Development Officer's written submissions.

Preliminary Matter

- [4] 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.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the Municipal Government Act, R.S.A 2000, c. M-26.

Summary of Hearing

i) Position of the Appellants, Ms. L. Filice & Mr. A Nardi

- [7] The Appellants reiterated the Grounds for Appeal included in the Notice of Appeal.
- [8] They stated that the proposed development will not interfere with the amenities of the Bonnie Doon neighbourhood. The deficiency of one parking space will not be an issue because there is ample parking on either side of 93rd Street. The alley at the rear of the property is already congested. Therefore, on-street parking is preferred.
- [9] Tandem Parking is permitted by the *Zoning Bylaw*, but it would result in the tenants of the Secondary Suite blocking the homeowners into the proposed Garage. As a result, the tenants would likely use on-street parking.
- [10] The homeowner in this case is concerned because moving the proposed Garage towards the interior of the property will greatly diminish the amenity area and, consequently, reduce the value of the property.
- [11] The width of the lot does not provide enough space for a parking pad to be installed with the Garage. The Garage would have to be reduced to below the minimum allowable size in order to accommodate an adjacent parking pad. Based on past experience, the Appellants stated that a parking pad adjacent to a Garage in this neighbourhood would not be used. An additional on-site parking space is not functional or beneficial.
- [12] Aside from this one variance, the proposed development complies with all other requirements of the *Zoning Bylaw*.

ii) Position of the Development Officer, Ms. K. Heimdahl

- [13] The Development Officer confirmed that the Garage had previously been approved, albeit with a larger driveway. Despite the larger Driveway, the amenity space requirements for the back yard had been met, and no variances would have been required for that original design.
- [14] She did not consider the effect on traffic in the alley when she made her determination that the development application should be refused. When assessing the application, she only considered on-street parking congestion. She did not visit the Site or review photography of the alley.

iii) Position of Affected Property Owners in Opposition to the Appeal, Ms. A. Roth

- [15] Ms. Roth stated that the proposed development will aggravate the traffic conditions in the back alley. Further, while the proposed location of the Garage, closer to the alley, is consistent with structures on adjacent properties, those structures were built 30 to 40 years ago when conditions in the alley were different. She approached neighbours and had them sign a petition expressing their concern for the congestion in the alley.
- [16] Parking on 93rd Street is also a problem. Once the rest of the Appellants' developments are finished on that street, there will be too many vehicles parked in the area.
- [17] Given the choice between increasing parking in the alley or on the street, she would much rather parking occur on the street. However, congestion on the street is going to be an issue going forward, particularly when there is an event in the area.

iv) Rebuttal of the Appellant

- [18] In rebuttal, the Appellants stated that not all four properties they have developed on that street will be rental properties. One of them will be occupied by the homeowner.

Decision

- [19] The appeal is ALLOWED, and the decision of the Development Authority is REVOKED. The development is GRANTED, subject to the following CONDITIONS:
- i)* An accessory building or structure shall not exceed 4.3 metres in Height; and
 - ii)* Eave projections shall not exceed 0.46 metres into required yards or separation spaces less than 1.2 metres.
- [20] In granting the development, the following variance to the *Zoning Bylaw* is allowed:
- i)* The parking space requirements of Section 54.2(3) Schedule 1 are varied by 1 parking space.

Reasons for Decision

- [21] The proposed development is an Accessory to a Permitted Use in the RF3 Small Scale Infill Development Zone and is therefore a Permitted Use.

- [22] If the development is to have the required number of parking spaces on Site, the Appellant will be required to have a Driveway large enough to accommodate tandem parking off the alley.
- [23] The Board heard evidence from an affected neighbour that the most pressing concern with respect to this development is the potential for vehicles to be parked on Driveways adjacent to the alley. She advised that the alley is very congested and, in some cases, dangerous due to the amount of traffic and reduced sightlines. She presented a petition signed by several neighbours that she said supported her view.
- [24] The Board notes that there is a bus route one block from the proposed development on 92nd Street and that an LRT line is being constructed in close proximity. These options for public transportation will reduce the need for cars in the neighbourhood. Also, the park across the street from the proposed development will, with the exception of times when events are being held there, reduce the parking requirements on that street, as it is not a street with residences on both sides.
- [25] The Board is of the opinion that allowing the parking variance will have the effect of limiting traffic in the alley, but it will not have a significant impact on the availability of on-street parking.
- [26] For these reasons, the Board is of the view that allowing a parking variance 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.

Mark Young, Presiding Officer
Subdivision and Development Appeal Board

Board Members in attendance

Ms. P. Jones, Mr. R. Handa, Ms. G. Harris, Mr. A. Peterson

Advisements

1. The driveway access must maintain a minimum clearance of 1.5 metres from the service pedestal and all other surface utilities.

Important Information for the Applicant/Appellant

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 - 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.

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Date: June 30, 2016
Project Number: 170108066-003
File Number: SDAB-D-16-143

Notice of Decision

- [1] On June 15, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **May 18, 2016**. The appeal concerned the decision of the Development Authority, issued on **April 29, 2016**, to approve the following development:

**Change the use from Business Support Services to Minor Veterinary Clinics
(Divine K9 Dog Services Ltd)**

- [2] The subject property is on Plan B4 Blk 15 Lot 151, located at 10529 - 116 Street NW, within the DC2(671) Direct Control District. The Central McDougall/Queen Mary Park Area Redevelopment Plan applies to the subject property.
- [3] The following documents, which were received prior to the hearing and are on file, were read into the record:
- The Appellant's written submissions;
 - A package of letters in support of the appeal;
 - The approved development permit with attachments;
 - The Development Officer's written submission; and
 - The Central McDougall/Queen Mary Park Area Redevelopment plan.

Preliminary Matter

- [4] 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.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] In response to questions regarding the timing of notification, the Development Officer stated that notices were mailed out on May 2nd, 2016. A newspaper notification was published on May 5th, 2016.

- [7] As the Appellant filed the appeal on May 18, 2016, the Board determined that the appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

Summary of Hearing

i) Position of the Appellant, Ms. C. Chan

- [8] In response to the Presiding Officer's inquiries regarding whether or not the Development Officer followed the direction of council, the Appellant stated that she could not say whether or not the Development Officer did his job properly. However, she believes that he should have spent some time at the location of the proposed development to assess activity on the Site.
- [9] There is already not enough parking for a doggy daycare business. The *Zoning Bylaw* indicates that, for the size of this development, the Appellant requires 12 parking spaces. Allowing fewer spaces than 12 is inappropriate.
- [10] Further, the Development Officer made a mistake in calculating how many parking spaces are actually available on the subject Site. He determined that there are five parking spaces in the front of the building and two spaces in the back. However, there is insufficient space behind the building to park any vehicles back there, and, in front of the building, there is a Sign that blocks one of the parking spaces.
- [11] While the area within which the proposed development is located is walkable during the summer time, Edmonton winters reduce the accessibility of the Site. During the winter, people will not be able to walk to and from the Site. They will need to drive, and this will cause problems with respect to parking.
- [12] Prior to the Respondent moving onto the subject Site, there was a printing store that occupied the space. The printing store, however, performed deliveries, limiting the number of customer visits to the Site. The Respondent's business has customers coming in and out of the location frequently. It is very active in the morning hours and during rush hour. When there are so many vehicles stopped outside of the business at once, customers, while waiting for parking to become available, block traffic on 116th Street. When traffic is backed up, it causes safety concerns to both vehicles and pedestrians near the Site.

ii) Position of the Development Officer, Mr. C. Chan

- [13] With respect to the actual number of parking spaces available on Site, the Development Officer stated that the Respondent's original application was for 10 parking spaces, but his calculations show that there are actually seven spaces on Site. Transportation Services was consulted and they found that there was an outdoor dog run that covers up some

parking spaces. Regardless, Transportation Services still found that there was room for two parking spaces behind the building in addition to the five in front of the proposed development.

- [14] The Development Officer could not comment on whether or not the Sign occupying a parking space in front of the building would be there permanently, but it is moveable, and therefore he considers that space to be a usable parking space.
- [15] With respect to the parking spaces in the rear, based on Transportation Services' inspection, there are two parking spaces parallel to the lane. He performed measurements using an aerial photograph of the Site and determined that there is indeed sufficient space for those two spaces.
- [16] The Development Authority also had the Respondent perform a parking justification study, which details how many employees and customers could be expected over the course of a four-day period. The results of that study factored into the decision to grant the variance. Further, the Respondent's business has been operating for six months, and the City has not received any complaints regarding parking during that period.
- [17] Although section 4(i) of Direct Control District DC2(671) makes reference to the old Land Use Bylaw, that wording should not be given effect. This Direct Control District took effect in 2005, and the Development Authority, by policy, gives effect to the *Zoning Bylaw* in effect at the time the Direct Control District is passed. Therefore, he relied on the variance power granted to him by section 54.1(2)(g) of the current *Zoning Bylaw* and the comments from Transportation Services when allowing this variance. Council would have intended for him to have discretion in these circumstances. Otherwise, the wording of these particular Direct Control provisions would make it clear that a Development Officer is to have no discretion.
- [18] The garbage receptacle may encroach into the proposed parking spaces in the rear of the building, but they ultimately do not come into play. There are actually other areas in the rear of the building where the parking spaces could be located, and, in any event, the garbage receptacle can be relocated, making enough room for the two identified parking spaces running parallel to the lane.

iii) Position of the Respondent, Ms. M. Burrill

- [19] The Respondent stated that this appeal does not have anything to do with parking. The Appellant simply does not approve of the business being conducted on the subject Site.
- [20] There is more than enough parking available to accommodate the business and its customers. There is also on-street parking available on 105th Avenue if necessary.

- [21] While there is a lot of traffic during peak hours, the parking lot is never completely full. The process of customers dropping off and picking up their dogs does not take longer than five minutes.
- [22] The Sign currently occupying a parking space in front of the building is moveable, but, as there have never been any issues with traffic or parking, there has never been a need to move it.
- [23] Transportation Services inspected the parking situation and determined that there are two parking spaces available behind the building and five that are available out front. It would also be possible to move the fence beside the dog run in the back and park an additional two vehicles in that space. Transportation Services did not account for that area because they thought it was part of the dog run, but that fence is entirely moveable.

iv) Rebuttal of the Appellant

- [24] In rebuttal, the Appellant stated that, although the garbage bin is moveable, the Respondent will not be able to relocate it because the business on Site requires that bin.
- [25] In terms of having additional parking spaces off to the side of the dog run, there is a Garage door in front of that area, and to the best of her knowledge, parking in front of that door is not permitted.
- [26] The Sign in front of the building is indeed moveable. In fact, sometimes it gets moved halfway out into the pedestrian crossing, impeding foot traffic.

Decision

- [27] The appeal is DENIED, and the decision of the Development Authority is CONFIRMED. The development is GRANTED as applied for to the Development Authority.

Reasons for Decision

- [28] Minor Veterinary Clinics is a listed use in the DC2(671) Direct Control District.
- [29] Pursuant to the provisions of s. 641(4) of the *Municipal Government Act*, the appeal before this Board is limited to whether the Development Authority followed the directions of Council.
- [30] To determine the directions of council, the Board must consider the provisions of Direct Control District DC2(671). This case is somewhat complicated by the fact that Section 4(i) of those provisions states that developments in this district shall be evaluated with respect to compliance with the general development regulations of sections 50-79, inclusive, of the Land Use Bylaw.

- [31] Even though this Direct Control District came into effect on December 6, 2005, well after the current *Edmonton Zoning Bylaw* came into effect in 2001, Council, on the face of it, is referring to the old Land Use Bylaw. There is no reason why the provisions of the old bylaw should be applicable in this District. In the opinion of the Board, what Council really intended was to invoke the development regulations contained in the current *Zoning Bylaw*. The Board is of the view that it was appropriate for the Development Officer to use the regulations in the current *Zoning Bylaw* to evaluate the proposed development.
- [32] The Board notes that s. 4(i) uses the phrase “shall be evaluated with respect to compliance”, as opposed to “shall comply with”. In the Board’s view, this indicates that Council intended the Development Officer to use his discretion when evaluating whether or not developments comply with the regulations.
- [33] In the current *Zoning Bylaw*, section 54.1 (2)(g) specifically states that the Development Officer may use his variance power to relax the vehicular parking requirements of the regulations. According to the Development Officer, he did use this variance power to allow for seven parking spaces on the Site rather than the 12 required by the regulations. Before exercising this power, he required the Respondent to submit a parking variance justification study. He also had input from Transportation Services confirming that there were seven stalls available on the Site, and Transportation Services approved the variance of five parking stalls. The Board is of the opinion that the Development Officer exercised his variance power reasonably.
- [34] The Appellant was of the view that the Development Officer made a mistake in determining that there are seven parking stalls. She feels there are only five stalls available on the Site. However, the Board finds that there are indeed seven stalls on the Site and that the Development Officer did not err.
- [35] Considering all of the evidence, the Board is of the view that the Development Officer did in fact comply with the direction of Council in granting a development permit with a variance of five parking stalls.
- [36] Accordingly, this Board has no authority to vary the decision of the Development Officer.

Mark Young
Subdivision and Development Appeal Board

Board Members in attendance

Ms. P. Jones, Mr. R. Handa, Ms. G. Harris, Mr. A. Peterson

Important Information for the Applicant/Appellant

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 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
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