

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
June 17, 2020**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I	9:00 A.M.	SDAB-D-20-071	Construct a three Dwelling Multi-unit Housing (row house) building with Secondary Suites, and to demolish the existing Single Detached House and Accessory building (rear detached Garage)  8715 - 110 Street NW Project No.: 299248248-001
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II	9:00 A.M.	SDAB-D-20-073	Construct a Multi-unit Housing (3 Dwellings Row Housing) with Unenclosed Front Porches and to develop Secondary Suites in the Basements  12104 - 120 Avenue NW Project No.: 353911256-001
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III	9:00 A.M.	SDAB-D-20-074	Operate a Major Home Based Business - (GREAT CENTRAL LOCATION - Short Term Accommodation Rental), expires April 23, 2025  205, 10421 - 93 Street NW Project No.: 352548792-001
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IV	9:00 A.M.	SDAB-D-20-078	Change the Use from a Donation Centre for Good Will to Cannabis Retail Sales Use and to construct interior alterations  371 – 91 Street SW Project No.: 349096060-002
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**NOTE:** *Unless otherwise stated, all references to “Section numbers” in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-071

TWO APPEALS FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT(S):

APPLICATION NO.: 299248248-001

APPLICATION TO: Construct a three Dwelling Multi-unit Housing (row house) building with Secondary Suites, and to demolish the existing Single Detached House and Accessory building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 20, 2020

DATE OF APPEAL(S): May 19, 2020

NOTIFICATION PERIOD: April 28, 2020 through May 19, 2020

RESPONDENT: W. Yin

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8715 - 110 Street NW

LEGAL DESCRIPTION: Plan 5835CL Blk 148 Lot I

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

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***Grounds for Appeal***

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

Appellant No. 1:

This plan is too dense and does not plan for enough parking. It is out of character for our block in this neighbourhood and would stick out like a sore thumb on 88th Avenue.

Appellant No. 2:

I am owner and resident of 10953-88 Ave, the property next door to the proposed development. I have enjoyed living on 88 Ave since 1995 – it is a family neighborhood with beautiful historic houses, many circa 1920, and there are 7 children that currently live on the South side of this block. I do not support the proposed development as I have major concerns about its effect on the value of my property, the quality of my life and the quality of life of others in the Garneau Community.

I have discussed this proposal with many neighbors and we share the view that this development does not fit the GARP (Garneau Area Redevelopment Plan) or the current RF3 zoning in that it does not fit the level of development that has been agreed upon by City and Community. In particular we are very concerned about the level of density being 6 units as well as the footprint of the proposed building. A 2 unit building would be more suited to this location.

Further, no consideration was made for feedback given in the consultation phase and we believe that an error was made in the approval of this development. We kindly request that the approval be overturned, and the process for this development go back to the consultation phase.

Here are some specific concerns:

1) NEGATIVE impact on the quality of my property, 10953-88 Ave (next door to the proposed development). The proposed building simply takes up too much of the lot. There are 2 proposed variances concerning back and side setbacks. If approved, the size and footprint of the building would severely reduce the amenities of my property for the following reasons:

- INSIDE: Major reduction in natural light to the inside of my house. In particular, my dining room, which now has lovely natural light, a view of trees, pedestrians, and several homes, would be reduced to looking into a large wall.
- INSIDE: Privacy concerns. I am concerned about the position of windows on the proposed development relative to my windows and yard. Given the closure of the Edmonton Service Centre, I was not allowed to view the plan and I am not aware of a way to view

the detailed development plan. In order for adequate consultation to take place, the development plan must be provided.

- OUTSIDE: Reduction in sunlight. The proposed setback (which I opposed during the consultation process), involves the new building going back as far as my garage, thus shadowing the entire lounge area in my yard. Why was my objection not addressed during the consultation process? Am I expected to sit in shadow in my own yard? How are my plants and my vegetable garden going to survive?

2) The proposed development is in violation of approved zoning.

- 6 units in one building violates the RF3 zoning, which has a maximum of 2 primary dwellings on a single lot. This development should not have been approved.

- Such a large building does not suit the character of this part of Garneau. It is suitable to have more dense dwellings on 87 Avenue, NOT on 88 Avenue.

- This is a family neighborhood and block, not a block of apartments.

- We value TREES and nature! It appears that a beautiful apple tree and many other plants will be destroyed if this development moves forward. The proposal is predominantly concrete and walls with no green space.

- Compounding the above issues, no information has been divulged about whether the style of the building will suit this historic neighborhood.

3) Multiple Process issues:

- The proper consultation process has not been followed on this development; the initial consultation was about a property facing 88 Ave with 2 variances from zoning. The development permit was granted for a property facing 110 street and with 3 variances from zoning! As a result of both these significant changes from the initial consultation letter, the community needs to be provided with a new opportunity for input.

- The community has not been provided with a way to view the development plans since the Edmonton Service Centre has closed.

- The process for consultation and appeal is very unclear on the City of Edmonton website. I am unclear on what level of detail I need to provide in this letter, who will read it, how quickly they will respond, and whether or not there will be a hearing. Citizens have the right to a more transparent process and to a meaningful consultation.

In addition to these issues, the current owner has a history of allowing the property to deteriorate, not maintaining the yard, and not managing garbage on the site (there are no garbage cans) – a

situation which has led to intrusions of thieves and wildlife. This leads me to have concerns about their management of any future development.

In summary, I believe that the development of 10957-88 Ave (8715-110 St) has been erroneously approved, as the plans do not fit the zoning or the community atmosphere. Further, neither the approval process nor the developer has addressed feedback provided during the consultation phase. Accordingly, I am requesting that you overturn this approval and ask the developer to work with the community on new plans that would meet the zoning and area development guidelines and maintain the present value of my adjacent property.

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

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

**Grounds for Appeal**

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

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

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

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

### **Hearing and Decision**

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

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

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

...

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

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

- (i) the proposed development would not
  - (A) unduly interfere with the amenities of the neighbourhood, or
  - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

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

Under section 140.2(5), **Multi-unit Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 140.2(6), **Secondary Suites** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings. This Use does not include Blatchford Townhousing or Blatchford Stacked Row Housing.

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row 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 outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites,



Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Under section 6.1, **Dwelling** means:

- a. 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 suitable for permanent residence for a single Household; or
- b. a Sleeping Unit, for the purposes of calculating Density for Group Home or Lodging House Uses.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

Section 814.1 states that the General Purpose of the **Mature Neighbourhood Overlay** is:

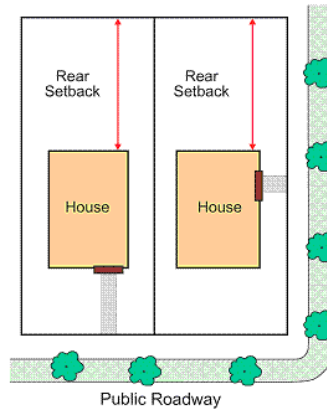
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

<b><i>Rear Setback</i></b>
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Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



**Development Officers Determination**

**Reduced Rear Setback - The distance from the row house to the rear property line is 11.6m (29% of site depth) instead of 16.1m (40% of site depth) (Section 814.3.4). [unedited]**

***Dormer Width***

Section 814.3(7) states:

When a structure is greater than 7.5 m in Height, the width of any one Dormer shall not exceed 3.6 m. The aggregate total width of one or all Dormers shall not exceed one third of the length of the building’s wall in which the Dormers are located.

Under section 6.1, **Dormer** means “an extension of a room that projects vertically beyond the plane of a sloped roof to allow for a window opening into the room.”

Under section 6.1, **Height** means “a vertical distance between two points.”

**Development Officers Determination**

**Dormer Width - The aggregate total width of all dormers is 7.9m instead of 7.5m (Section 814.3.7). [unedited]**

***Side Setback***

Section 814.3(3)(b) states “where a Site Width is greater than 12.0 m and less than 18.3 m, the Side Setback requirements of the underlying Zone shall apply.”

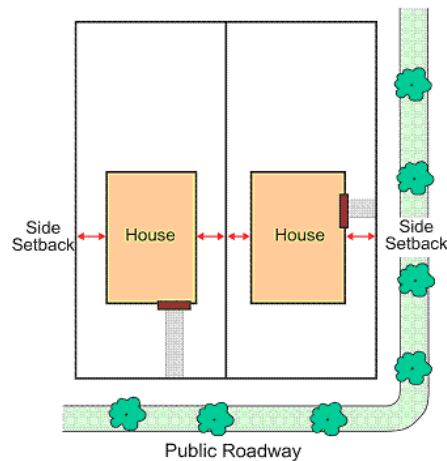
Section 140.4(11)(c) states:

on a Corner Site where the building faces the flanking Side Lot Line, the minimum Side Setback Abutting the flanking Side Lot

Line shall be 2.0 m. However, if a building facing the flanking Side Lot Line has an attached Garage that faces the flanking Side Lot Line, the Side Setback from the flanking Side Lot Line to the Garage shall be a minimum of 4.5 m.

Under section 6.1, **Side Setback** means:

the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



**Development Officers Determination**

**Reduced Side Setback - The distance from the row house to the flanking side property line abutting 110 Street NW is 1.2m instead of 2.0m (Section 140.4.11.c). [unedited]**

***Community Consultation***

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;

- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:


Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(7) – Dormer Width
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) – Rear Setback

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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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	Project Number: <b>299248248-001</b> Application Date: NOV 29, 2018 Printed: April 20, 2020 at 1:35 PM Page: 1 of 6																												
<h2>Minor Development Permit</h2>																													
<p>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.</p>																													
<b>Applicant</b>	<table border="1"> <tr> <td colspan="2" data-bbox="813 541 1409 569"><b>Property Address(es) and Legal Description(s)</b></td> </tr> <tr> <td colspan="2" data-bbox="813 569 1409 596">8715 - 110 STREET NW</td> </tr> <tr> <td colspan="2" data-bbox="813 596 1409 623">Plan 5835CL Blk 148 Lot I</td> </tr> <tr> <td colspan="2" data-bbox="813 638 1409 665"><b>Specific Address(es)</b></td> </tr> <tr> <td data-bbox="813 665 878 693">Suite:</td> <td data-bbox="878 665 1409 693">8715 - 110 STREET NW</td> </tr> <tr> <td data-bbox="813 693 878 720">Suite:</td> <td data-bbox="878 693 1409 720">8717 - 110 STREET NW</td> </tr> <tr> <td data-bbox="813 720 878 747">Suite:</td> <td data-bbox="878 720 1409 747">8719 - 110 STREET NW</td> </tr> <tr> <td data-bbox="813 747 878 774">Suite:</td> <td data-bbox="878 747 1409 774">BSMT, 8715 - 110 STREET NW</td> </tr> <tr> <td data-bbox="813 774 878 802">Suite:</td> <td data-bbox="878 774 1409 802">BSMT, 8717 - 110 STREET NW</td> </tr> <tr> <td data-bbox="813 802 878 829">Suite:</td> <td data-bbox="878 802 1409 829">BSMT, 8719 - 110 STREET NW</td> </tr> <tr> <td data-bbox="813 829 878 856">Entryway:</td> <td data-bbox="878 829 1409 856">8715 - 110 STREET NW</td> </tr> <tr> <td data-bbox="813 856 878 884">Entryway:</td> <td data-bbox="878 856 1409 884">8717 - 110 STREET NW</td> </tr> <tr> <td data-bbox="813 884 878 911">Entryway:</td> <td data-bbox="878 884 1409 911">8719 - 110 STREET NW</td> </tr> <tr> <td data-bbox="813 911 878 938">Building:</td> <td data-bbox="878 911 1409 938">8715 - 110 STREET NW</td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b>		8715 - 110 STREET NW		Plan 5835CL Blk 148 Lot I		<b>Specific Address(es)</b>		Suite:	8715 - 110 STREET NW	Suite:	8717 - 110 STREET NW	Suite:	8719 - 110 STREET NW	Suite:	BSMT, 8715 - 110 STREET NW	Suite:	BSMT, 8717 - 110 STREET NW	Suite:	BSMT, 8719 - 110 STREET NW	Entryway:	8715 - 110 STREET NW	Entryway:	8717 - 110 STREET NW	Entryway:	8719 - 110 STREET NW	Building:	8715 - 110 STREET NW
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<b>Scope of Permit</b> To construct a 3 Dwelling Multi-unit Housing (row house) building with Secondary Suites, and to demolish the existing Single Detached House and Accessory building (rear detached Garage).																													
<b>Permit Details</b> <table border="1"> <tr> <td data-bbox="207 1157 808 1335">                     # of Dwelling Units Add/Remove: 6                      # of Secondary Suite Dwelling Units To Construct:                      Client File Reference Number:                      Minor Dev. Application Fee: Row House up to 4 dwellings                      Secondary Suite Included?: Y                 </td> <td data-bbox="813 1157 1409 1335">                     # of Primary Dwelling Units To Construct:                      Class of Permit: Class B                      Lot Grading Needed?: Y                      New Sewer Service Required: Y                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 6 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																										
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<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Apr 20, 2020 <b>Development Authority:</b> YEUNG, KENNETH <b>Subject to the Following Conditions</b> 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 3 Dwelling Multi-unit Housing (row house) building with Secondary Suites, and to demolish the existing Single Detached House and Accessory building (rear detached Garage). WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2) The development shall be constructed in accordance with the stamped and approved drawings. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Section 51).																													

## Minor Development Permit

For the Secondary Suite, 1 on-site parking space in addition to the parking requirements for the Principal Dwelling shall be provided. (Reference Section 54.2 Schedule 1)

All required parking shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced. (Reference Section 54.6(2))

A Secondary Suite shall be developed in such a manner that the exterior of the principal Dwelling containing the Secondary Suite shall appear as a single Dwelling from a public roadway other than a Lane. (Reference Section 86)

A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, Child Care Services 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)

A maximum of one Household shall occupy a Secondary Suite. (Reference Section 86)

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)

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)

**PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW**, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$1,222.00 per Dwelling. The SSTC charge is quoted at year 2020 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. The final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor, Edmonton Tower, 10111 104 Avenue NW, Edmonton AB T5J 0J4.

### LANDSCAPING CONDITIONS

**PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW**, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).

Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.


Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed ([www.edmonton.ca/landscapeinspectionrequest](http://www.edmonton.ca/landscapeinspectionrequest)).

Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.

Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in

	Project Number: <b>299248248-001</b> Application Date: NOV 29, 2018 Printed: April 20, 2020 at 1:35 PM Page: 3 of 6
<h2>Minor Development Permit</h2>	
<p>addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.</p>	
<p><b>EPCOR WATER CONDITIONS</b></p>	
<p>1. Prior to the turning on of the water service, the applicant must submit bacteriological test results to EPCOR Water Dispatch, and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-6800 for more information on how to provide the test results. For information on the tie-in and commissioning procedure, please contact <a href="mailto:wtrdc@epcor.com">wtrdc@epcor.com</a>.</p>	
<p>2. The applicant is required to construct one new fire hydrant at the lane south of 88 Ave on the east side of 110 St and the existing 150mm water main along 88 Ave from the lane west of 109 St to 110 St must be replaced with 250mm PVC at their expense. This work can be undertaken either under a servicing agreement or under EPCOR Water Services, Inc.'s New Water Distribution Mains capital program. For more information on the EPCOR New Water program, please contact EPCOR New Water at <a href="mailto:waterdtinfrastructure@epcor.com">waterdtinfrastructure@epcor.com</a>.</p>	
<p>3. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting <a href="mailto:waterlandadmin@epcor.com">waterlandadmin@epcor.com</a>.</p>	
<p><b>WASTE MANAGEMENT CONDITIONS</b></p>	
<p>Information on some of the requirements below is available on our <a href="https://www.edmonton.ca/programs_services/documents/City_of_Edmonton_Waste_Storage_Requirements.pdf">https://www.edmonton.ca/programs_services/documents/City_of_Edmonton_Waste_Storage_Requirements.pdf</a></p>	
<p>Please feel free to send a copy of the proposed building and location of the waste storage to ensure the City standards are met and the design will be functional for the waste pickup.</p>	
<p>I have reviewed the site plan for this project and offer the following comments:</p>	
<p>This is a residential property and therefore falls under the City of Edmonton bylaw 18590, requiring the waste services is provided by the City of Edmonton.</p>	
<p>This site with 3 units would receive approximately 0.75 cubic yards of garbage service and 0.375 cubic yards of recycle service per week for the residential units.</p>	
<p>This site with 3 units would receive hand collection as the method of pickup for garbage and recycle. The minimum can per resident is two which would require a total of 6 cans. Waste Services recommends storing each of the residential cans in waste enclosure and/or garages until collection days. On collection days, the resident and/or property manager will be responsible to move the cans to the lane for service.</p>	
<p>Other issues to include:</p> <ul style="list-style-type: none"> <li>• using a commercial grade asphalt in the drive areas of the waste vehicle to reduce the impact caused by the waste vehicle when servicing a site. A link is provided to the City of Edmonton Complete Streets Design and Construction Standards. <a href="https://www.edmonton.ca/city_government/documents/PDF/CompleteStreets_DesignStandards_Sept2018.pdf">https://www.edmonton.ca/city_government/documents/PDF/CompleteStreets_DesignStandards_Sept2018.pdf</a></li> </ul>	
<p><b>TRANSPORTATION CONDITIONS:</b></p>	
<p>The proposed retaining structure/wall bordering the east property line must not encroach onto the road right-of-way.</p>	
<p>There are existing boulevard trees adjacent to the site that must be protected during construction, as shown on the Enclosure. Prior to construction, the owner/applicant must contact City Operations, Parks and Roads Services at <a href="mailto:citytrees@edmonton.ca">citytrees@edmonton.ca</a> to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.</p>	



## Minor Development Permit

Garbage enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way.

Subdivision Planning will NOT support short stalls off the alley. All parking stalls perpendicular to the alley must be a minimum length of 5.5 m.

There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

Any alley, boulevard or sidewalk damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. The alley and boulevard will be inspected by Development Inspections prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

the start/finish date of project;  
 accommodation of pedestrians and vehicles during construction;  
 confirmation of lay down area within legal road right of way if required; and  
 confirmation if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

[https://www.edmonton.ca/business\\_economy/licences\\_permits/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/licences_permits/oscam-permit-request.aspx)  
 and <https://www.edmonton.ca/documents/PDF/ConstructionSafety.pdf>

### EPCOR WATER ADVISEMENT

1. The site is currently serviced by a 20mm lead service, located at 8.2m east of the east property line of 110 ST on 88 Ave. The applicant is to contact customer services at 780-412-4000 a minimum of four weeks prior to commencing any work on the site, including demolition, excavation, or grading for direction on the correct process to follow to have the service isolated and meter removed.

2. For information on Service abandonments, and the provisioning of a new water service contact EPCOR Drainage, Water and Sewer Servicing at [wass.drainage@epcor.com](mailto:wass.drainage@epcor.com).

3. Lead and camalloy services cannot be used to service new development. The existing service must be abandoned and replaced, at the developer expense. Please contact [wtrdc@epcor.com](mailto:wtrdc@epcor.com) for more information.

4. There is a deficiency in on-street hydrant spacing adjacent to the property. City of Edmonton Standards requires hydrant spacing of 90m for the proposed zoning. Hydrant spacing in the area is approximately 130m and does not meet the spacing requirement.

5. Hydraulic modelling of the area surrounding the development shows results that do not meet the requirements based on zoning as specified in Volume 4 of the City of Edmonton Design and Construction Standards.

6. Fire Rescue Services (FRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment at development permit application to alter or lessen on-street fire protection infrastructure upgrades, assuming certain criteria are met. The applicant may request that the City Planner initiate this review.

7. A new cost share pilot program has started up in 2020 which may assist in offsetting any required infrastructure upgrades for the water system. Information about the new Infill Cost Share Program can be found at [www.epcor.com/infill-cost-share](http://www.epcor.com/infill-cost-share).

8. Note EPCOR Water has a planned water replacement project on both 87 and 88 Ave for the 2020 construction season. Please





Project Number: **299248248-001**  
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## Minor Development Permit

contact EPCOR Water at [WaterDevelopmentCoordination@epcor.com](mailto:WaterDevelopmentCoordination@epcor.com) to find out the extents of the upgrades.

9. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

10. The advisements and conditions provided in this response are firm and cannot be altered.

### ADVISEMENT

Access from the site to the adjacent east-west alley is acceptable. A crossing permit is not required for alley access.

Building Great Neighbourhoods is conducting neighbourhood renewal in Gameau for the 2021 construction season. For more information, contact Becky Redford, the Planning and Design Project Manager at [becky.redford@edmonton.ca](mailto:becky.redford@edmonton.ca).

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

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.

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Signs require separate Development Applications.

### Variances

Reduced Rear Setback - The distance from the row house to the rear property line is 11.6m (29% of site depth) instead of 16.1m (40% of site depth) (Section 814.3.4).

Dormer Width - The aggregate total width of all dormers is 7.9m instead of 7.5m (Section 814.3.7).

Reduced Side Setback - The distance from the row house to the flanking side property line abutting 110 Street NW is 1.2m instead of 2.0m (Section 140.4.11.c).

### 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.

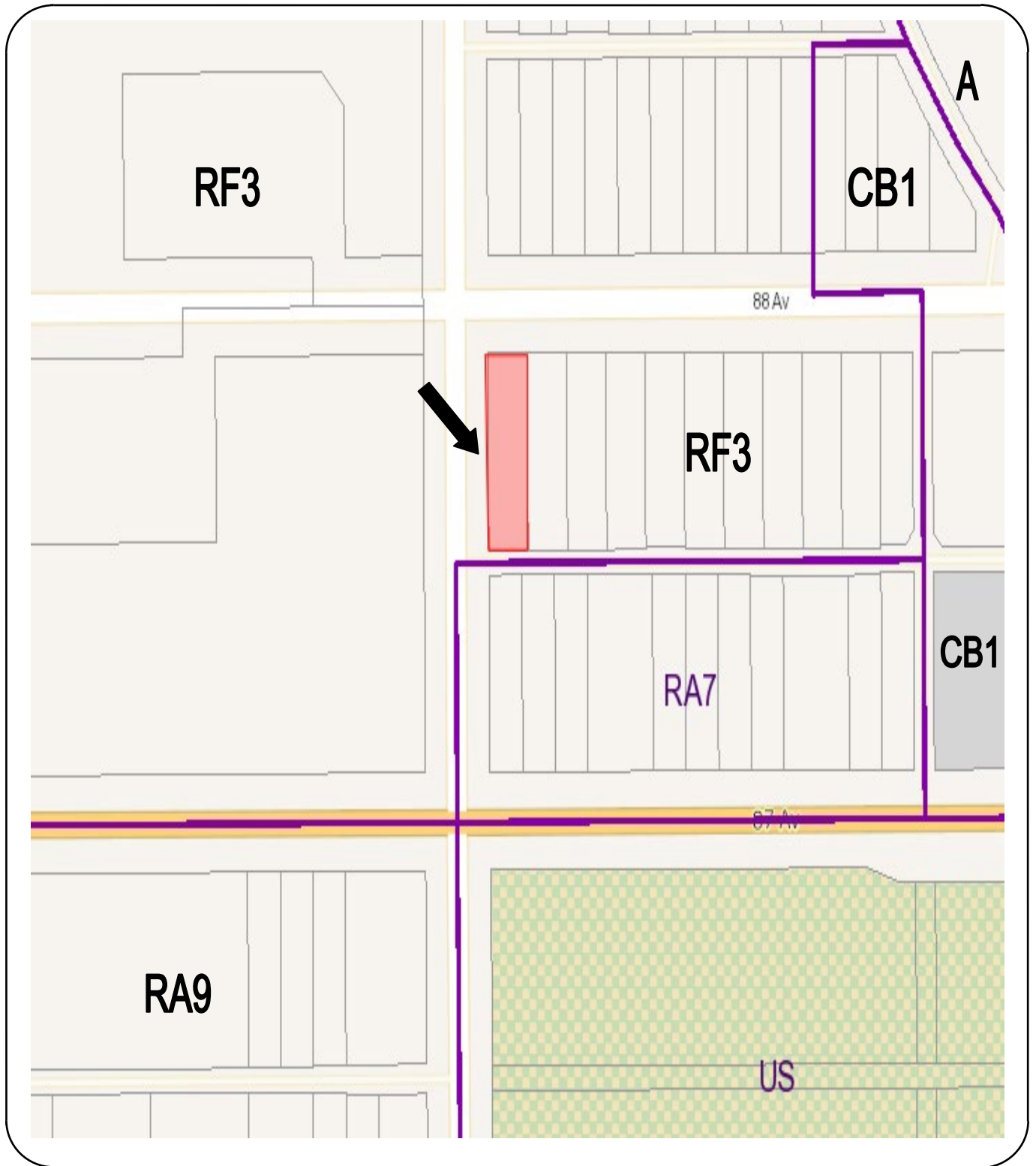
**Notice Period Begins:** Apr 28, 2020

**Ends:** May 19, 2020

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$510.00	\$510.00	05508105	Nov 29, 2018
Dev. Application Fee	\$835.00	\$835.00	05508105	Nov 29, 2018
Lot Grading Fee	\$406.00	\$406.00	05508105	Nov 29, 2018
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$2,163.00			
Sanitary Sewer Trunk Fund	\$2,326.00			

	<p>Project Number: <b>299248248-001</b> Application Date: NOV 29, 2018 Printed: April 20, 2020 at 1:35 PM Page: 6 of 6</p>			
<h2>Minor Development Permit</h2>				
<b>Fees</b>				
Total GST Amount:	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Totals for Permit:	\$0.00	\$6,240.00		
(\$4,489.00 outstanding)		\$1,751.00		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-071



ITEM II

FILE: SDAB-D-20-073

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 353911256-001

APPLICATION TO: Construct a Multi-unit Housing (3 Dwellings Row Housing) with Unenclosed Front Porches and to develop Secondary Suites in the Basements

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 23, 2020

DATE OF APPEAL: May 19, 2020

NOTIFICATION PERIOD: April 30, 2020 through May 21, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12104 - 120 Avenue NW

LEGAL DESCRIPTION: Plan RN64 Blk 13 Lot 20

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

Is there even a point in putting thoughts to paper for your consideration? The builder has already excavated the site and established footings and foundation walls. This was all done 2 weeks ago. The builder been idle since But the builder hastened

to get the preliminary work done so the City would be reluctant to withhold or withdraw approvals following any kind of successful appeal. Even if DAB opted to rescind approvals for secondary suites, etc., it's a "done" deal. The builder isn't about to tear down the basement walls or make any modifications to the building floor plan.

Indeed, this same builder has built other such projects in our neighbourhood and even when it was denied secondary suites in the past, once final inspection approvals were given, the builder sold the units complete with so-called "legal" basement suites. Buyers were none the wiser. The builder could care less. He pocketed his \$400K / unit and walked away from it all leaving the community to deal with the excessive parking demands placed on neighbourhood streets and other issues associated with this builder's shady building practices.

A'Cappella Catering on the south side of 120 Avenue is a very busy catering operation with a fleet of vehicles that are in and out of the premises all day long and well into the evening. The only employee parking provided is on street – both 120 Avenue (in front of building, across from building, along the avenue and then along 122 Street to the south and north of 120 Avenue. 121A Street is not available for parking because while it functions as the main thoroughfare for access and egress, it is the width of a laneway and is used for servicing activities only: daily garbage collection, collection of grease and cooking oils, and all deliveries from Gordon Food Services, Coca Cola, bakeries, etc. With vehicles parked along both the north and south side of 120 Avenue, trucks bringing goods to A'Cappella typically back up from 122 Street to park themselves in front of the building to offload; there is virtually no space in the rear of the building for shipping or receiving even though it is so signed.

Indeed, the location of the proposed 3 vehicle garage directly west of the Panama Enterprises location (across from them) at the corner of 121A Street and 120 Avenue will pose some interesting dynamics when vehicles back out from the garages of this new development site directly into the flow of trucks that use 121A Street to access businesses along 121A Street. That of course presumes vehicles will even use the garage space. The neighbourhood's experience with these types of developments is that households use the street to park in front of their units; residents seldom park in their assigned garage unless a winter blizzard prevails.

Three townhouse units with 3 secondary suites has been approved. How many vehicles do you suppose will be added to the already congested avenue and street adjacent to this development site. If there is only ONE vehicle per household unit, that would be 6

more vehicles. But typically, a husband and wife each have a car to get around the city so we can safely speculate an additional 50% or 9 vehicles. The roadways do not currently have the capacity to support this increase of vehicles.

One additional comment deserves consideration. The height of this proposed development is likely to cast shadows south to north across our backyard. Given the development will face south and the sun crosses the city east to west in the southern sky, the City's approval of this development with this height has essentially eliminated my access to direct sunlight on my own property.

Very little care and attention has gone in to the adjudication of this application!! I urge members of DAB and City personnel to reconsider their approvals and take in to account the dynamics that currently occur on 120 Avenue as a result of non-residential uses immediately to the east.

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

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

**Grounds for Appeal**

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

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

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

**(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)

- (i) with respect to an application for a development permit,
  - (A) within 21 days after the date on which the written decision is given under section 642, or
  - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

#### **Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
  - (A) unduly interfere with the amenities of the neighbourhood, or
  - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

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

Under section 140.2(5), **Multi-unit Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 140.2(6), **Secondary Suites** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings. This Use does not include Blatchford Townhousing or Blatchford Stacked Row Housing.

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row 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 outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the



principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Under section 6.1, **Dwelling** means:

- a. 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 suitable for permanent residence for a single Household; or
- b. a Sleeping Unit, for the purposes of calculating Density for Group Home or Lodging House Uses.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

Section 814.1 states that the General Purpose of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Parking***

Section 54.2, Schedule 1(A)(1) provides the following with respect to the Minimum Number of Parking Spaces Required for Multi-unit Housing:

Dwelling Size	Minimum
Studio	1
1 Bedroom Dwelling	1
2 Bedroom Dwelling	1.5
3 Bedroom Dwelling	1.7

Visitor parking shall be provided at a minimum rate of 0 visitor parking spaces for the first 7 Dwellings, and 1 visitor parking space per 7 Dwellings thereafter. Visitor parking spaces shall be readily available to the primary building entrance for each multi-unit residential building on Site, and be clearly identified as visitor parking, to the satisfaction of the Development Officer.

**Development Officers Determination**


**Parking - The site has 6 parking spaces, instead of 9. (Section 54.2 (Schedule-1)) [unedited]**

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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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<h2>Minor Development Permit</h2>																									
<p>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.</p>																									
<b>Applicant</b>	<table border="1"> <tr> <td colspan="2" data-bbox="812 472 1404 562"> <b>Property Address(es) and Legal Description(s)</b>                      12104 - 120 AVENUE NW                      Plan RN64 Blk 13 Lot 20                 </td> </tr> <tr> <td colspan="2" data-bbox="812 569 1404 600"> <b>Specific Address(es)</b> </td> </tr> <tr> <td data-bbox="812 604 885 630">Suite:</td> <td data-bbox="917 604 1149 630">12104 - 120 AVENUE NW</td> </tr> <tr> <td data-bbox="812 636 885 661">Suite:</td> <td data-bbox="917 636 1149 661">12106 - 120 AVENUE NW</td> </tr> <tr> <td data-bbox="812 667 885 693">Suite:</td> <td data-bbox="917 667 1149 693">12108 - 120 AVENUE NW</td> </tr> <tr> <td data-bbox="812 699 885 724">Suite:</td> <td data-bbox="917 699 1218 724">BSMT, 12104 - 120 AVENUE NW</td> </tr> <tr> <td data-bbox="812 730 885 756">Suite:</td> <td data-bbox="917 730 1218 756">BSMT, 12106 - 120 AVENUE NW</td> </tr> <tr> <td data-bbox="812 762 885 787">Suite:</td> <td data-bbox="917 762 1218 787">BSMT, 12108 - 120 AVENUE NW</td> </tr> <tr> <td data-bbox="812 793 917 819">Entryway:</td> <td data-bbox="917 793 1149 819">12104 - 120 AVENUE NW</td> </tr> <tr> <td data-bbox="812 825 917 850">Entryway:</td> <td data-bbox="917 825 1149 850">12106 - 120 AVENUE NW</td> </tr> <tr> <td data-bbox="812 856 917 882">Entryway:</td> <td data-bbox="917 856 1149 882">12108 - 120 AVENUE NW</td> </tr> <tr> <td data-bbox="812 888 917 913">Building:</td> <td data-bbox="917 888 1149 913">12104 - 120 AVENUE NW</td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b> 12104 - 120 AVENUE NW Plan RN64 Blk 13 Lot 20		<b>Specific Address(es)</b>		Suite:	12104 - 120 AVENUE NW	Suite:	12106 - 120 AVENUE NW	Suite:	12108 - 120 AVENUE NW	Suite:	BSMT, 12104 - 120 AVENUE NW	Suite:	BSMT, 12106 - 120 AVENUE NW	Suite:	BSMT, 12108 - 120 AVENUE NW	Entryway:	12104 - 120 AVENUE NW	Entryway:	12106 - 120 AVENUE NW	Entryway:	12108 - 120 AVENUE NW	Building:	12104 - 120 AVENUE NW
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<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Apr 23, 2020 <b>Development Authority:</b> LAI, ECHO <b>Subject to the Following Conditions</b> DEVELOPMENT/ZONING CONDITIONS: <p>This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(Reference Section 17.1).</p> <p>This Development Permit authorizes the development of a Multi-unit Housing (3 Dwellings Row Housing) with Unenclosed Front Porches and to develop Secondary Suites in the Basements.</p> <p>The development shall be constructed in accordance with the stamped and approved drawings.</p> <p>WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6).</p>																									



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## Minor Development Permit

Landscaping shall be installed and maintained in accordance with Section 55 and approved Landscaping Plan.

Frosted or translucent glass treatment shall be used on windows to minimize overlook into adjacent properties (Reference Section 814.3.8).

Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties. (Section 814.3.9)

Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue. (Section 814.3.17)

Any existing front access and/or Parking Area shall be removed. A residential curb fill permit shall be obtained from Transportation Services to remove any existing Driveway access on the Site.

Landings/steps shall be provided at the entrances to the Secondary Suite Dwellings in the Basements, with size and height shall comply with Section 44.1(b)) of the Zoning Bylaw.

A minimum of 0.6m projection distance shall be provided if an unenclosed steps or landing provide access to the main floor or lower level of the building if the landing is greater than 1.5 m<sup>2</sup> in size. (Section 44.1)

For the Secondary Suites, 1 parking space in addition to the parking requirements for primary Dwelling. (Reference Section 54.2 Schedule 1)

Parking spaces for the Secondary Suite Dwelling shall not be in tandem, except for the same Dwelling (Reference Section 54.1.2(f) )

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

A Secondary Suite shall be developed in such a manner that the exterior of the principal Dwelling containing the Secondary Suite shall appear as a single Dwelling from a public roadway other than a Lane (Reference Section 86.2)

Only one of a Secondary Suite or a Garden Suite may be developed in conjunction with a principal Dwelling. (Reference Section 86.3)

A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, Child Care Services 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 86.4)

A maximum of one Household shall occupy a Secondary Suite (Reference Section 86.5)

- 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)

- 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 (Reference Section 6.1).

When a Secondary Suite is accessory to a Discretionary Use in a Zone, the development permit for the Secondary Suite is not valid

## Minor Development Permit

until the development permit for the Discretionary Use is valid. (Section 86.7)

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

### DEVELOPMENT ADVISEMENTS:

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Any future deck greater than 0.6m (2ft) in Height will require development and building permit approvals

Any future deck enclosure or cover requires a separate development and building permit approval.

Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for lot grading inspection inquiries.

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

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)

### TRANSPORTATION CONDITIONS:

1. The existing 5 m wide private driveway access to 120 Avenue, located approximately 8 m from the east property line must be removed with reconstruction of the curb, gutter, sidewalk and restoration of the grassed boulevard within the road right-of-way, as shown on the Enclosure to the City of Edmonton Complete Streets Design and Construction Standards. The owner/applicant must obtain a crossing permit, available from Development Services, 2nd floor, Edmonton Tower, 1 0111-104 Avenue.
2. There is an existing 0.6 m concrete walk within the road right-of-way, from the private crossing access to the rear lane that must be removed with restoration of the grassed boulevard.
3. There are existing boulevard trees adjacent to the site that must be protected during construction, as shown on the Enclosure. Prior to construction, the owner/applicant must contact City Operations, Parks and Roads Services at [citytrees@edmonton.ca](mailto:citytrees@edmonton.ca) to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.
4. Garbage enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into the road right-of-way.
5. There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
6. Any alley, boulevard or sidewalk damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. The alley and boulevard will be inspected by Development Inspections prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.
7. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance)

## Minor Development Permit

permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right of way if required; and
- confirmation if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: [https://www.edmonton.ca/business\\_economy/licences\\_permits/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/licences_permits/oscam-permit-request.aspx) and <https://www.edmonton.ca/documents/PDF/ConstructionSafety.pdf>.

### TRANSPORTATION ADVISEMENTS:

1. The proposed access for the future garage is to the alley. An alley access does not require a curb crossing permit.
2. There is an Accessible Parking Zone on 122 Street adjacent to this parcel, as shown on the Enclosure. There is also a "No Parking Sign" on the avenue adjacent to the existing private crossing access. Should removal or relocation of the zone/signage be required, all costs associated with the relocation must be borne by the owner/applicant. The applicant must contact Dale Blacklock of Parks and Roads Services (780-944-5649) to pay for the associated costs and to coordinate this on-street operation.
3. Connector sidewalks from the south property line of the subject site to tie into the City sidewalk on the north side of 120 Avenue as shown on the Enclosure are acceptable to Subdivision Planning.

### LANDSCAPING CONDITIONS:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).
2. Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.
3. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
4. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.
5. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed ([www.edmonton.ca/landscapeinspectionrequest](http://www.edmonton.ca/landscapeinspectionrequest)).
6. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.
7. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.

### APCOR CONDITIONS:

1. The new water service must be constructed for this lot directly off EPCOR's water main adjacent to the subject site along the lane east of 122 Street NW. Servicing from the existing transmission water main along 122 Street NW will not be permitted.
2. Prior to the turning on of the water service, the applicant must submit bacteriological test results to EPCOR Water Dispatch, and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-6800 for more information on how to provide the test results. Water Dispatch can provide information on the tie-in and commissioning procedure.



## Minor Development Permit

3. The applicant is required to construct approximately 107m of new water main along 120 Avenue NW complete with one hydrant, more or less as shown on the attached plan (DP353911256-001\_EPCOR Water Enclosure), at their expense. This work can be undertaken either under a Servicing Agreement or under EPCOR Water Services, Inc.'s New Water Distribution Mains capital program. For more information on the EPCOR New Water program, please contact EPCOR New Water at [waterdtinfrastructure@epcor.com](mailto:waterdtinfrastructure@epcor.com).

4. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting [waterlandadmin@epcor.com](mailto:waterlandadmin@epcor.com).

### APCOR ADVISEMENTS:

1. No contractor or others employed by the applicant/owner may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

2. The site is currently serviced by a 20mm copper water service located 8.23m north of the north property line of 120 Avenue NW. The applicant is to contact customer services at 780-412-4000 a minimum of four weeks prior to commencing any work on the site, including demolition, excavation, or grading for direction on the correct process to follow to have the service isolated and meter removed.

2.1. The existing service is not of sufficient size for the proposed development. The owner/applicant must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water supply to the proposed development.

2.2 We require that the existing/future water services to the property be provided such that each separately titled property is serviced with individual and separate water services provided directly to the lot from EPCOR's water main. In reference to our Terms of Service, water services cannot extend from one property to another.

3. For information on Service abandonments, and the provisioning of a new water service contact EPCOR Drainage, Infill Water and Sewer Servicing at [wass.drainage@epcor.com](mailto:wass.drainage@epcor.com) or at 780-496-5444.

4. There is a deficiency in on-street hydrant spacing adjacent to the property. City of Edmonton Standards requires hydrant spacing of 90m for the current zoning. There are no hydrants on adjacent 122 Street NW, the closest hydrant adjacent to the site is approximately 57m away and the hydrant spacing in the area is approximately 107m. This does not meet the spacing requirement.

4.1 Fire Rescue Services (FRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment (IFPA) at development permit application to alter or lessen on-street fire protection infrastructure upgrades, assuming certain criteria are met. The applicant may request that the City Planner initiate this review.

4.2 A new cost share pilot program has started up in 2020 which may assist in offsetting any required infrastructure upgrades for the water system. Information about the new Infill Cost Share Program can be found at [www.epcor.com/infill-cost-share](http://www.epcor.com/infill-cost-share).


5. A new cost share pilot program has started up in 2020 which may assist in offsetting any required infrastructure upgrades for the water system. Information about the new Infill Cost Share Program can be found at [www.epcor.com/infill-cost-share](http://www.epcor.com/infill-cost-share).

6. The advisements and conditions provided in this response are firm and cannot be altered.


### WASTE MANAGEMENT SERVICES:

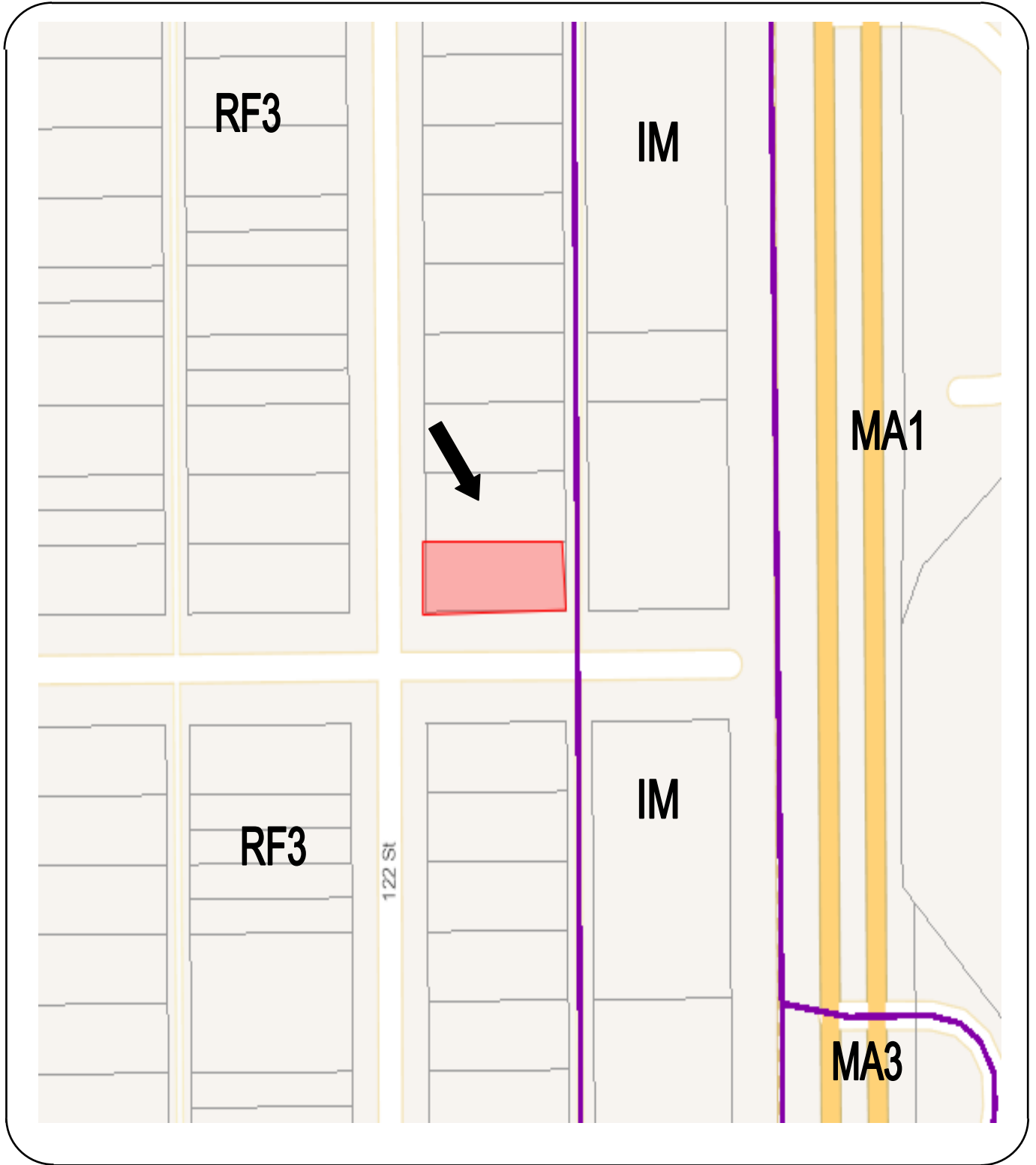
Information on some of the requirements below is available on our [https://www.edmonton.ca/programs\\_services/documents/City\\_of\\_Edmonton\\_Waste\\_Storage\\_Requirements.pdf](https://www.edmonton.ca/programs_services/documents/City_of_Edmonton_Waste_Storage_Requirements.pdf)

Please feel free to send a copy of the proposed building and location of the waste storage to ensure the City standards are met and

	<p>Project Number: <b>353911256-001</b>          Application Date: FEB 03, 2020          Printed: May 20, 2020 at 7:40 AM          Page: 6 of 7</p>
<h2>Minor Development Permit</h2>	
<p>the design will be functional for the waste pickup.</p> <p>I have reviewed the site plan for this project and offer the following comments:</p> <p>This is a residential property and therefore falls under the City of Edmonton bylaw 18590, requiring the waste services is provided by the City of Edmonton.</p> <p>This site with 3 units would receive approximately 0.75 cubic yards of garbage service and 0.375 cubic yards of recycle service per week for the residential units.</p> <p>This site with 3 units would receive cart collection as the method of pickup for garbage and recycle. The minimum cart per resident is two which would require a total of 6 carts. Waste Services recommends storing each of the residential carts in waste enclosure and/or garages until collection days. On collection days, the resident and/or property manager will be responsible to move the carts to the lane for service.</p> <p>Other issues to include:</p> <ul style="list-style-type: none"> <li>• using a commercial grade asphalt in the drive areas of the waste vehicle to reduce the impact caused by the waste vehicle when servicing a site. A link is provided to the City of Edmonton Complete Streets Design and Construction Standards. <a href="https://www.edmonton.ca/city_government/documents/PDF/CompleteStreets_DesignStandards_Sept2018.pdf">https://www.edmonton.ca/city_government/documents/PDF/CompleteStreets_DesignStandards_Sept2018.pdf</a></li> </ul> <p><b>FIRE RESCUE SERVICES:</b>          Part 9 Buildings – Access Guidelines:          Edmonton Fire Rescue Services Access Guidelines for Part 9 Buildings specify that the unobstructed travel path (measured from a fire department vehicle to the entry of the building) must be a minimum 1.5m of clear width (gates must be non-locking) and no greater than 45m.</p> <p>Note that a restrictive covenant may be required to ensure path remains clear of equipment, storage, or structures. Specific to this development, please ensure that this minimum access width is maintained from the road to the rear entry unit as well as the principal entrance facing the street.</p> <p>Hydrants Functional:          Provide the location(s) of the fire hydrants in proximity to the development. Confirm that these hydrants are fully functional prior to construction.</p> <p>Access Road:          Ensure that an all-weather access road is constructed prior to construction.          Reference: AFC 5.6.1.4. Access for Firefighting</p> <p>4) Access routes for fire department vehicles shall be provided and maintained to construction and demolition sites.</p> <p>Adjacent Property Protection:          Ensure that the protection of adjacent properties has been provided in accordance with EFRS Adjacent Property Protection Guidelines and AFC 5.6.1.2. This information has been included for your information and implementation during the construction of this project. For additional information please see: <a href="https://www.edmonton.ca/programs_services/fire_rescue/adjacent-property-protection.aspx">https://www.edmonton.ca/programs_services/fire_rescue/adjacent-property-protection.aspx</a></p> <p>Reference: AFC 5.6.1.2 Protection of Adjacent Building</p> <p>1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations.</p> <p><b>APPLICABLE ASSESSMENTS</b></p> <p>1. Permanent Area Contribution (PAC)</p> <ul style="list-style-type: none"> <li>· Storm and sanitary PACs are not applicable, since the property is not within any active PAC basins.</li> </ul> <p>2. Expansion Assessment (EA)</p>	



	Project Number: <b>353911256-001</b> Application Date: FEB 03, 2020 Printed: May 20, 2020 at 7:40 AM Page: 7 of 7																																																		
<b>Minor Development Permit</b>																																																			
<ul style="list-style-type: none"> <li>· Expansion Assessment is not applicable, since the property is outside the current Expansion Assessment area.</li> </ul> <p><b>3. Arterial Roadway Assessment (ARA)</b></p> <ul style="list-style-type: none"> <li>· Arterial Roadway Assessment is not applicable, since the property is outside the current ARA Catchment Area.</li> </ul> <p><b>4. Sanitary Sewer Trunk Charge (SSTC)</b></p> <p>Based on our records, this property was never assessed for SSTC.</p> <ul style="list-style-type: none"> <li>· SSTC is applicable to the property for 3 multi-family dwellings at the rate of \$1,222/dwelling and 3 Secondary units at the rate of \$758/unit with credit given for one single family dwelling at the rate of \$1,712/dwelling. The property area is obtained from the City's information program called POSSE and the number of dwellings is based on the drawings submitted with this Application for Major Development Permit.</li> <li>· Payment should be made at the Edmonton Service Centre, 2nd Floor, 10111 – 104 Avenue NW.</li> </ul> <p><b>Additional Notes</b></p> <ul style="list-style-type: none"> <li>· The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.</li> <li>· In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.</li> <li>· More information about the above charges can be found on the City of Edmonton's website:</li> </ul> <ul style="list-style-type: none"> <li>- Permanent Area Contributions  <a href="https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx">https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx</a></li> <li>- Sanitary Servicing Strategy Expansion Assessment  <a href="https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx">https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx</a></li> <li>- Arterial Roadway Assessment  <a href="https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadwayassessments.aspx">https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadwayassessments.aspx</a></li> <li>- Sanitary Sewer Trunk Charge  <a href="https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx">https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx</a></li> </ul> <p><b>Rights of Appeal</b></p> <p>This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p> <p><b>Notice Period Begins:</b> Apr 30, 2020      <b>Ends:</b> May 21, 2020</p>																																																			
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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-073

▲  
N

ITEM III

FILE: SDAB-D-20-074

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 352548792-001

APPLICATION TO: Operate a Major Home Based Business - (GREAT CENTRAL LOCATION - Short Term Accommodation Rental), expires April 23, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 23, 2020

DATE OF APPEAL: May 20, 2020

NOTIFICATION PERIOD: April 30, 2020 through May 21, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 205, 10421 - 93 Street NW

LEGAL DESCRIPTION: Plan 8420558 Unit 12, Condo Common Area (Plan 8420558)

ZONE: (RA7) Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: Boyle Street McCauley Area Redevelopment Plan

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***Grounds for Appeal***

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

The Scattered Leaves Condominium Corporation has bylaws that owners must abide. The Scattered Leaves Condominium Board enforces bylaws. The Major Home Based Business that the owner wants to operate is a Bed and Breakfast business. Our bylaw lays

out restrictions to owner(s) which clearly state that the owner(s) shall not be permitted to use their unit for commercial or professional purposes. The unit owner in 205 is well aware of Scattered Leaves Condominium Corporation bylaw regarding not to operate a Major Home Base Business from their unit.

The type of Bed and Breakfast 205 wants to operate will cause nuisance and hazard to numerous owner(s) in suites in the Scattered Leaves Condominium. Many owners are concerned about their safety. Many news media report on what damage and harm Airbnb patrons have done, which vilify owners concerns.

The City of Edmonton should not be allowed or given jurisdiction to grant Major Home Based Business in condominiums. When a person is applying for this type permit, the person must disclose that the residential is a condominium, which would then stop the owner from pursuing a permit. Unit owner(s) in condominiums must not be allowed to apply for a Major Home Based Business.

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

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

**Grounds for Appeal**

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

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

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

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
  - or
  - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

### **Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

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

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

Under section 210.3(5), a **Major Home Based Business** is a **Discretionary Use** in the **(RA7) Low Rise Apartment Zone**.

Under section 7.3(7), **Major Home Based Business** means:

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

Under section 6.1, **Bed and Breakfast Operation** means “a Dwelling where temporary sleeping accommodations, with or without meals, are provided for remuneration to members of the public.”

Under section 6.1, **Dwelling** means:

- a. 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 suitable for permanent residence for a single Household; or

- b. a Sleeping Unit, for the purposes of calculating Density for Group Home or Lodging House Uses.

Section 210.1 states that the **General Purpose** of the **(RA7) Low Rise Apartment Zone** is “To provide a Zone for low rise Multi-unit Housing.”

<b><i>Parking</i></b>
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Section 54.2, Schedule 1(A)(8) provides the following:

<b>Use of Building or Site</b>	<b>Minimum Number of Parking Spaces Required</b>
8. Major Home Based Business	1 parking space in addition to parking required for principal Dwelling.
a. Bed and Breakfast	1 parking space per guest room is required in addition to the parking required for the principal Dwelling.

**Development Officers Determination**


**Parking - The dwelling has 1 parking space, instead of 2 (Section 54.2 and Schedule 1). [unedited]**

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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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	Project Number: <b>352548792-001</b> Application Date: JAN 17, 2020 Printed: May 21, 2020 at 7:39 AM Page: 1 of 3																		
	<h2>Home Occupation</h2>																		
<p>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.</p>																			
<b>Applicant</b>	<table border="1"> <tr> <td colspan="2" data-bbox="813 478 1406 506"><b>Property Address(es) and Legal Description(s)</b></td> </tr> <tr> <td colspan="2" data-bbox="862 506 1406 533">10421 - 93 STREET NW</td> </tr> <tr> <td colspan="2" data-bbox="906 533 1406 560">Condo Common Area (Plan 8420558)</td> </tr> <tr> <td colspan="2" data-bbox="862 560 1406 588">205, 10421 - 93 STREET NW</td> </tr> <tr> <td colspan="2" data-bbox="906 588 1406 615">Plan 8420558 Unit 12</td> </tr> <tr> <td colspan="2" data-bbox="813 636 1406 663"><b>Specific Address(es)</b></td> </tr> <tr> <td data-bbox="813 663 1406 690">Suite:</td> <td data-bbox="922 663 1406 690">205, 10421 - 93 STREET NW</td> </tr> <tr> <td data-bbox="813 690 1406 718">Entryway:</td> <td data-bbox="922 690 1406 718">10421 - 93 STREET NW</td> </tr> <tr> <td data-bbox="813 718 1406 745">Building:</td> <td data-bbox="922 718 1406 745">10421 - 93 STREET NW</td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b>		10421 - 93 STREET NW		Condo Common Area (Plan 8420558)		205, 10421 - 93 STREET NW		Plan 8420558 Unit 12		<b>Specific Address(es)</b>		Suite:	205, 10421 - 93 STREET NW	Entryway:	10421 - 93 STREET NW	Building:	10421 - 93 STREET NW
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<b>Scope of Permit</b> To operate a Major Home Based Business - (GREAT CENTRAL LOCATION - Short Term Accommodation Rental), expires April 23, 2025.																			
<b>Permit Details</b> <table border="1" style="width: 100%;"> <tr> <td data-bbox="256 926 808 999">                     # of businesss related visits/day: 1                      Administration Office Only?: N                      Class of Permit: Class B                 </td> <td data-bbox="813 926 1406 999">                     # of vehicles at one time:                      Business has Trailers or Equipment?:                 </td> </tr> <tr> <td data-bbox="256 1024 808 1079">                     Do you live at the property?: Y                      Outdoor storage on site?:                 </td> <td data-bbox="813 978 1406 1079">                     Description of Business: Shared living space through Airbnb.                      Expiry Date: 2025-04-23 00:00:00                 </td> </tr> </table>		# of businesss related visits/day: 1 Administration Office Only?: N Class of Permit: Class B	# of vehicles at one time: Business has Trailers or Equipment?:	Do you live at the property?: Y Outdoor storage on site?:	Description of Business: Shared living space through Airbnb. Expiry Date: 2025-04-23 00:00:00														
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<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Apr 23, 2020 <b>Development Authority:</b> PAYNE, KYLE																			





Project Number: **352548792-001**  
 Application Date: JAN 17, 2020  
 Printed: May 21, 2020 at 7:39 AM  
 Page: 2 of 3

## Home Occupation

### Subject to the Following Conditions

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

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
7. The number of temporary sleeping accommodations on-site shall not exceed two. Cooking facilities are prohibited within temporary sleeping accommodations (Section 75.7).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
10. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
11. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
12. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on April 23, 2025.

### Notes:

1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

### Variances

Parking - The dwelling has 1 parking space, instead of 2 (Section 54.2 and Schedule 1).



Project Number: **352548792-001**  
Application Date: JAN 17, 2020  
Printed: May 21, 2020 at 7:39 AM  
Page: 3 of 3

## Home Occupation

### Rights of Appeal

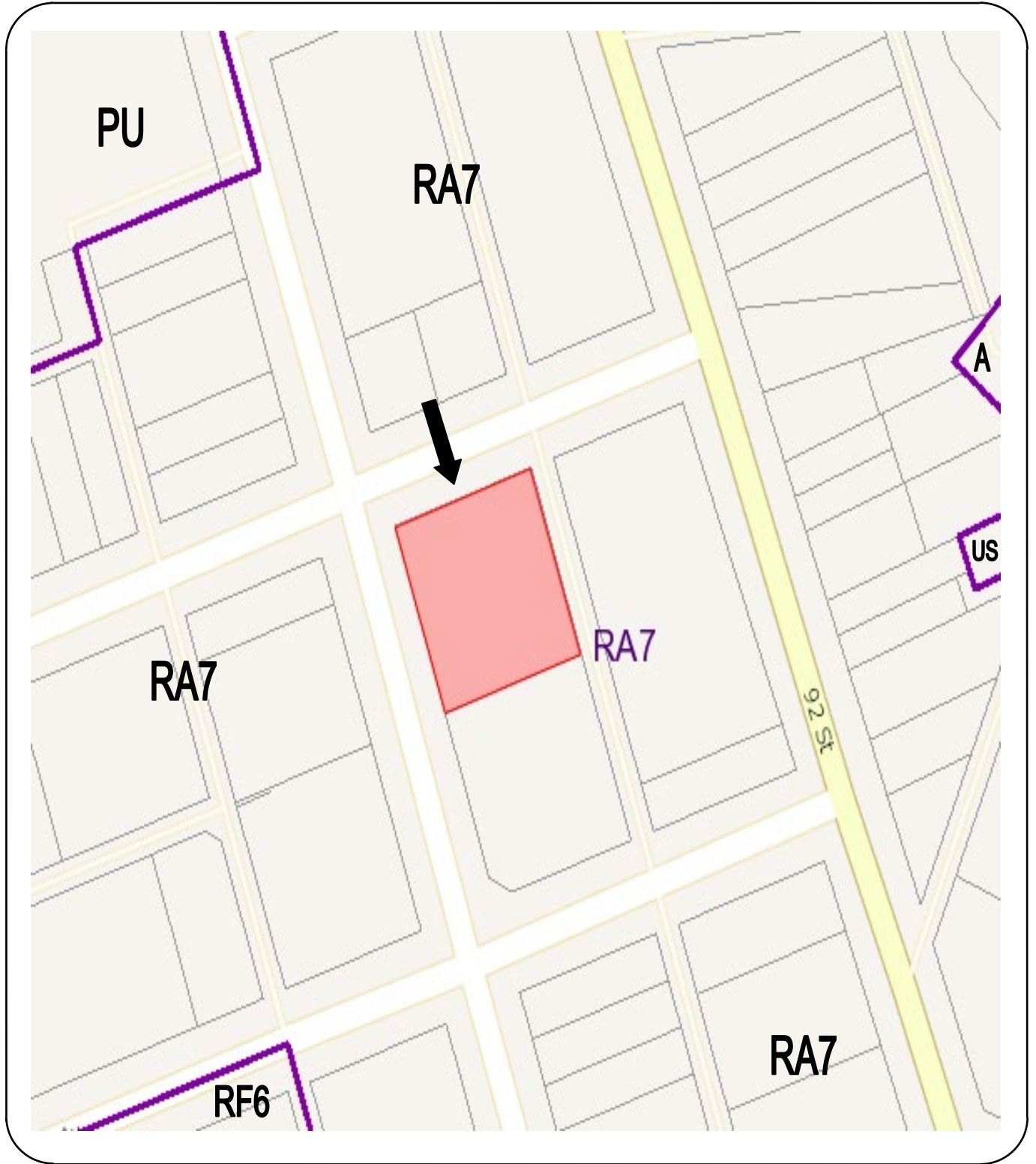
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Notice Period Begins:** Apr 30, 2020

**Ends:** May 21, 2020

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$327.00	\$327.00	92234206674S001	Jan 31, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$327.00</u>	<u>\$327.00</u>		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-074



ITEM IV

FILE: SDAB-D-20-078

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 349096060-002

APPLICATION TO: Change the Use from a Donation Centre for Good Will to a Cannabis Retail Sales Use and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 1, 2020

DATE OF APPEAL: May 25, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 371 – 91 Street SW

LEGAL DESCRIPTION: Plan 0625868 Blk 6 Lot 2

ZONE: DC2.1018 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN(S): Ellerslie Area Structure Plan  
Ellerslie Neighbourhood Structure Plan

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***Grounds for Appeal***

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

We are appealing this permit on the following basis:

Section 70.1 – We require a 99m variance in order to achieve the 200m setback between another Cannabis Retail Sales Location. Based on our location on 91 SW, both retail stores are on opposite sides of a major arterial roadway. The walking distance, and driving distance, between both stores would be 350-400m. There is also a

busy intersection at Edwards Dr SW and 91 Street SW, which needs to be crossed in order to reach either store. Thereby limiting direct access into either location. Both retail stores would operate in their own commercial quadrants, and serve the population that is utilizing these commercial zones. The distance setback of 200m by the City of Edmonton prevents clustering of cannabis retail locations, however due to the arteries of roadways, traffic and separate commercial quadrants this would be prevented.

The SDAB has previously granted variances with proposed setbacks, such as in SDAB-D-18-189, wherein it was argued that: “The Appellant also acknowledges that it “must abide by the development regulations set out in section 70 of the Edmonton Zoning Bylaw [but that] those criteria can be varied by the Board if the tests set out in section 687(3)(d) [of the MGA] are met.”

The Appellant also refers to *Thomas v Edmonton (City)*, 2016 ABCA 57 [Thomas] wherein the Court of Appeal recognized that strict application of Statutory Plans and land use bylaws can often lead to unreasonable results and therefore, the Board should follow the guidance of section 687(3)(d) in making their determination.

Test to Vary Setback Criteria Section 687 of the MGA states:

- (3) In determining an appeal, the subdivision and development appeal board
- (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.”

The proposed location also does not comply with Section 70.2.b, as it is deficient by 8m. The zone designated as Public Land contains a drainage pond and sidewalk. The cannabis retail location does not interfere with the use of these lands, any more than the sidewalks that are around the neighbouring communities. During the time of rezoning, there have been no letters of objection received. As such, this proposed development would not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land which thereby satisfies section 687(3)(d)(i)(B) of the MGA.

**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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, [...]

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

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

**General Provisions from the DC2.1018 Site Specific Development Control Provision ("DC2"):**

Under section DC2.1018.3.c, **Cannabis Retail Sales** is a **Listed Use** in the **DC2**.

Section DC2.1018.4.e states “Cannabis Retail Sales shall be in compliance with Section 70 of the Zoning Bylaw.”

Section DC2.1018.1 states the **General Purpose** of DC2 is:

to provide for convenience commercial and personal service uses, including minor alcohol sales and cannabis retail sales, which are intended to serve the day to day needs of residents within the adjacent residential neighbourhood.

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

Under section 7.4(9), **Cannabis Retail Sales** means:

development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under section 6.1, **Cannabis** means:

a cannabis plant and anything referred to in subsection (a) of this definition but does not include anything referred to in subsection (b) of this definition:

- a. Cannabis includes:
  - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection (b) of this definition.
  - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
  - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- b. Notwithstanding subsection (a) of this definition, Cannabis does not include:
  - i. a non-viable seed of a cannabis plant;
  - ii. a mature stalk, without any leaf, flower, seed or branch, of such plant;

- iii. fibre derived from a stalk referred in subsection (b)(ii) of this definition; and
- iv. the root or any part of the root of such a plant.

Under section 6.1, **Site** means “an area of land consisting of one or more abutting Lots.”

***Section 70 – Cannabis Retail Sales***

1. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:
  - a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;
  - b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and
  - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)(b) shall be issued as a Class B Discretionary Development.
2. Any Site containing Cannabis Retail Sales shall not be located less than:
  - a. 200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and
  - b. 100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.
3. For the purposes of subsection 2:
  - a. separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
  - b. the term “public library” is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers,



manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.

- c. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
- d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.

4. Subsection 105(3) of the Gaming, Liquor and Cannabis *Regulation*, is expressly varied by the following:

- a. any Site containing a Cannabis Retail Sales shall not be located less than:

***Public or private education***

- i. 200 m from a Site being used for public or private education, at the time of the application for the Development Permit for the Cannabis Retail Sales;

***Provincial health care facility***

- ii. 100 m from a Site being used for a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales; and

***School reserve or municipal and school reserve***

- iii. 100 m from a Site designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales.

***Measurement of Separation Distances***

- b. For the purposes of this subsection, separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures.

***Sites Greater than Two Hectares***

- c. For Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, that do not contain a public library at the time of application for the Development Permit for the Cannabis Retail Sales:

- i. Subsection 70(2), and 70(4)(a) shall not apply; and
    - ii. the distances referred to in Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation* shall be expressly varied to 0 m.
  - d. For the purposes of subsection 70(4)(a)(i), the term "public or private education" means a school as defined in subsection (1)(y)(i) and (1)(y)(ii) of the *School Act (as amended from time to time)*.
5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2), 70(3)(a) or 70(4).

### **Design Requirements**

6. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the Development Officer, including the following requirements:
- a. customer access to the store is limited to a storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or mall access that allows visibility from the interior of the mall into the store;
  - b. the exterior of all stores shall have ample transparency from the street;
  - c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
  - d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.

### **Development Officers Determination**

**1. Section 70.1 - The proposed Cannabis Retail Store does not comply with the minimum setback requirement from another Cannabis Retail Sales location:**

**Required Setback: 200 m**

**Proposed Setback: 101 m**

**Deficient by 99 m**

**2. Section 70.2.b - The proposed Cannabis Retail Store does not comply with the minimum setback requirement from public lands (zoned A or AP):**

**Required Setback: 100 m**

**Proposed Setback: 92 m**

**Deficient by 8 m**

**Under Sections 70.1(b) and 70.5 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.**


[unedited]

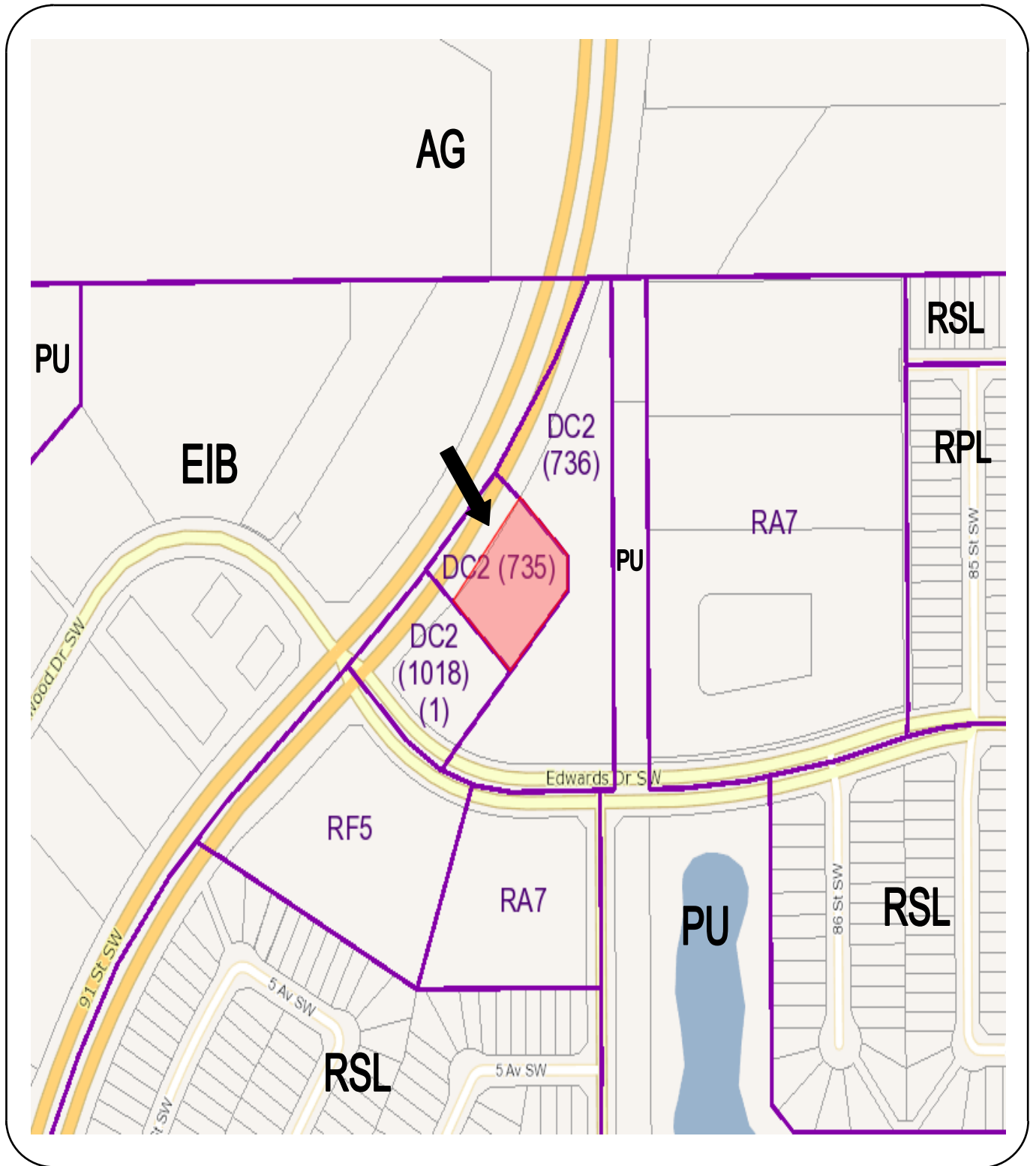
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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: <b>349096060-002</b> Application Date: DEC 04, 2019 Printed: May 26, 2020 at 8:33 AM Page: 1 of 2		
This document is a Development Permit Decision for the development application described below.				
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 371 - 91 STREET SW Plan 0625868 Blk 6 Lot 2			
	<b>Specific Address(es)</b> Suite: 375 - 91 STREET SW Entryway: 375 - 91 STREET SW Building: 371 - 91 STREET SW			
<b>Scope of Application</b> To Change the Use from a Donation Centre for Good Will to a Cannabis Retail Sales use and to construct interior alterations.				
<b>Permit Details</b>				
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)			
<b>Development Application Decision</b> Refused <b>Issue Date:</b> May 01, 2020 <b>Development Authority:</b> CHOW, STEPHEN  <b>Reason for Refusal</b> 1. Section 70.1 - The proposed Cannabis Retail Store does not comply with the minimum setback requirement from another Cannabis Retail Sales location:  Required Setback: 200 m Proposed Setback: 101 m Deficient by 99 m  2. Section 70.2.b - The proposed Cannabis Retail Store does not comply with the minimum setback requirement from public lands (zoned A or AP):  Required Setback: 100 m Proposed Setback: 92 m Deficient by 8 m  Under Sections 70.1(b) and 70.5 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.				
<b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
<b>Fees</b>				
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$5,600.00	\$5,600.00	06429228	Feb 14, 2020
THIS IS NOT A PERMIT				



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-078

