

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
June 17, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-091

Change the Use from a Personal Service Shop to Cannabis Retail Sales and to construct interior alterations (PLUTO CANNABIS INC.)

10104 - 111 Avenue NW
Project No.: 390670294-002

II 10:30 A.M. SDAB-D-21-092

Construct a two-Storey Garden Suite (main floor Garage 8.20m x 8.38m, second floor Garden Suite 7.96m x 8.38m)

11611 - 123 Street NW
Project No.: 378027958-002

III 1:30 P.M. SDAB-D-21-093

Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, fireplace, balcony (3.45m x 1.83m), Basement development, secondary suite, and rear covered deck (Solarium 4.88m x 4.27m)

4142 - Kennedy Green SW
Project No.: 388134338-002

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-21-091

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 390670294-002

APPLICATION TO: Change the Use from a Personal Service Shop to Cannabis Retail Sales and to construct interior alterations (PLUTO CANNABIS INC.)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 18, 2021

DATE OF APPEAL: May 18, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10104 - 111 Avenue NW

LEGAL DESCRIPTION: Plan 3151RS Blk 1 Lot 330A

ZONE: (CB3) Commercial Mixed Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

To appeal the decision of the Development Authority to refuse issuing a Development Permit to change the subject site use from a Personal Service Shop to Cannabis Retail Sales and construct interior alterations (Pluto Cannabis Inc.).

<i>General Matters</i>

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 370.2(3), **Cannabis Retail Sales** is a **Permitted Use** in the **(CB3) Commercial Mixed Business Zone**.

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 370.1 states that the **General Purpose** of the **(CB3) Commercial Mixed Business Zone** is:

to create a mixed-use zone to provide for a range of medium intensity Commercial Uses as well as enhance opportunities for residential development in locations near high capacity transportation nodes, including Transit Avenues or other locations offering good accessibility. This Zone is not intended to accommodate "big box" style commercial development that utilizes significant amounts of surface parking, nor is it intended to be located Abutting any Zone that allows Single Detached Housing as a Permitted Use, without appropriate site interface provisions.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

<i>Section 70 – Cannabis Retail Sales</i>
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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 Officer's Determination

1. The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a Public Education Site (Section 70.4(1)(1)):

**Glenrose School
Required Setback: 200 m
Proposed Setback: 74 m
Deficient by 126 m**


**Inner City High School
Required Setback: 200 m
Proposed Setback: 175 m
Deficient by 25 m**

Under Section 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]

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.

	<p>Project Number: 390670294-002 Application Date: APR 26, 2021 Printed: May 19, 2021 at 7:44 AM Page: 1 of 2</p> <h2 style="text-align: center;">Application for Major Development Permit</h2>												
<p>This document is a Development Permit Decision for the development application described below.</p>													
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 10104 - 111 AVENUE NW Plan 3151RS Blk 1 Lot 330A</p> <p>Specific Address(es) Suite: 106, 10104 - 111 AVENUE NW Entryway: 10104 - 111 AVENUE NW Building: 10104 - 111 AVENUE NW</p>												
<p>Scope of Application To change the Use from a Personal Service Shop to Cannabis Retail Sales and to construct interior alterations (PLUTO CANNABIS INC.).</p>													
<p>Permit Details</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class of Permit: Gross Floor Area (sq. m.): New Sewer Service Required: Site Area (sq. m.): </td> <td style="width: 50%;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Strat. Plan Overlay/Annex Area: (none) </td> </tr> </table>				Class of Permit: Gross Floor Area (sq. m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Strat. Plan Overlay/Annex Area: (none)								
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<p>Development Application Decision Refused</p> <p>Issue Date: May 18, 2021 Development Authority: CHOW, STEPHEN</p> <p>Reason for Refusal</p> <p>1. The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a Public Education Site (Section 70.4(1)(1)):</p> <p style="margin-left: 40px;">Glenrose School Required Setback: 200 m Proposed Setback: 74 m Deficient by 126 m</p> <p style="margin-left: 40px;">Inner City High School Required Setback: 200 m Proposed Setback: 175 m Deficient by 25 m</p> <p>Under Section 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.</p> <p>Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p>													
<p>Fees</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: center;">\$5,000.00</td> <td style="text-align: center;">\$5,000.00</td> <td style="text-align: center;">00889013</td> <td style="text-align: center;">Apr 27, 2021</td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$5,000.00	\$5,000.00	00889013	Apr 27, 2021
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<p>THIS IS NOT A PERMIT</p>													



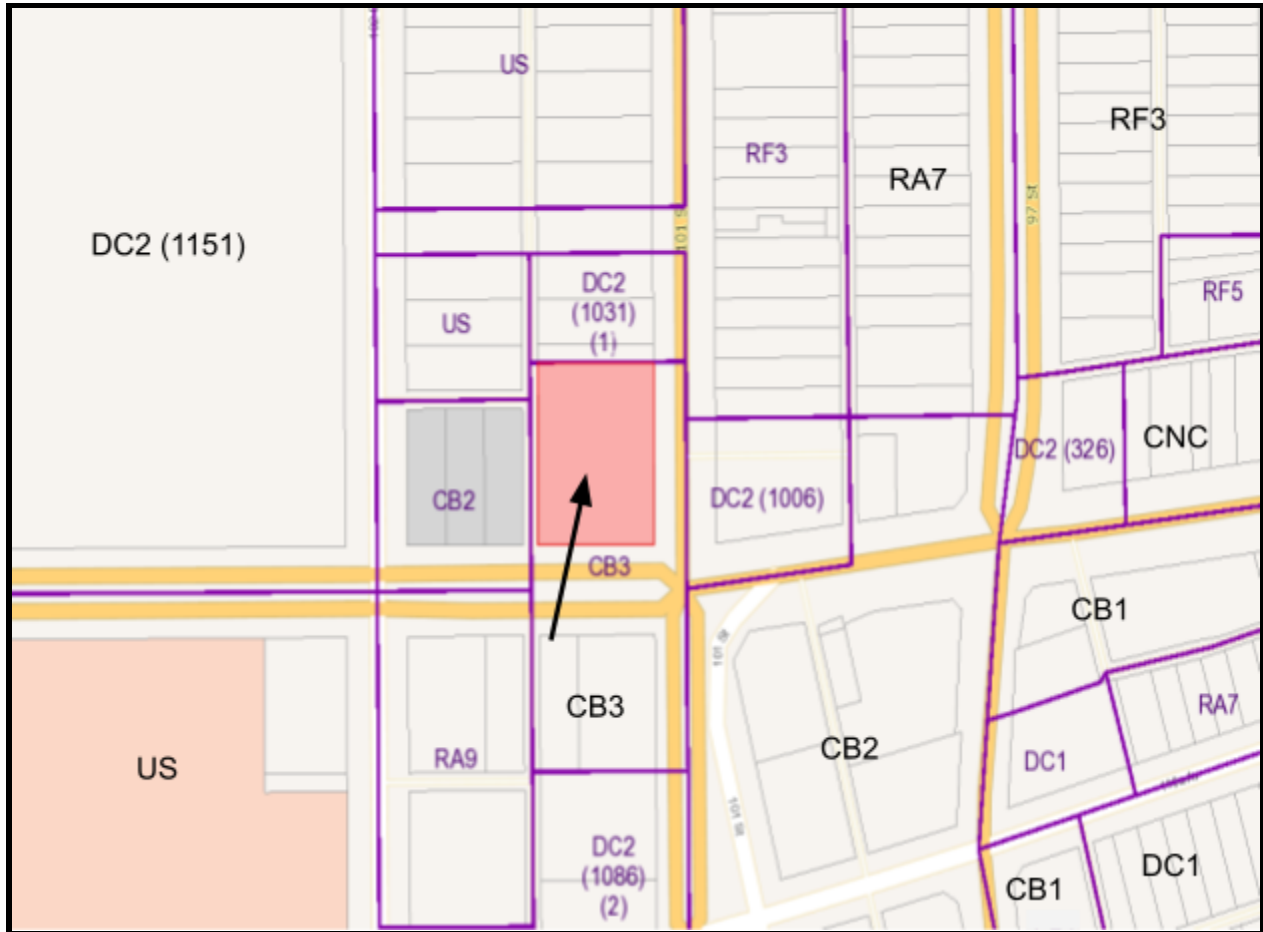
Project Number: **390670294-002**
Application Date: APR 26, 2021
Printed: May 19, 2021 at 7:44 AM
Page: 2 of 2

Application for Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$5,600.00</u>	<u>\$5,600.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-091 ▲
N

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-092

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 378027958-002

APPLICATION TO: Construct a two-Storey Garden Suite (main floor Garage 8.20m x 8.38m, second floor Garden Suite 7.96m x 8.38m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 19, 2021

DATE OF APPEAL: May 20, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11611 - 123 Street NW

LEGAL DESCRIPTION: Plan RN46 Blk 35 Lot 18

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

We are compliant in all aspects except floor plan which we believe does not have an impact on any of the neighbours. We spent thousands of dollars working with designers and planners to design a wheel chair accessible garden suite that also met the needs of a single mother. Currently in the City of Edmonton there are zero garden suites occupied by a single parent with kids. Our customer feels it to be important to offer affordable housing for single mothers. Due to size limitations, it was

impossible to design a wheel chair accessible unit that was also functional for a single mother with kids. The 60m2 was important to make this floor plan functional and practical.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(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

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- (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(2), a **Garden Suite** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(2), **Garden Suite** means:

an Accessory building containing a Dwelling which is located separate from the principal Use which is Single Detached Housing, Semi-detached Housing, or Multi-unit Housing in the form of row housing. This Use includes Mobile Homes that conform to Section 78 of this Bylaw. This Use does not include Secondary Suites.

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.

Floor Area

Section 87.3(b) states “the maximum total Floor Area for a Garden Suite shall be 130 m².”

Under section 6.1, **Floor Area** means “the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.”

Development Officer’s Determination

Second Storey Floor Area - The maximum Second Storey Floor Area shall be 50 m² (Section 87.3.c)

Maximum: 50 m²


Proposed: 60 m²

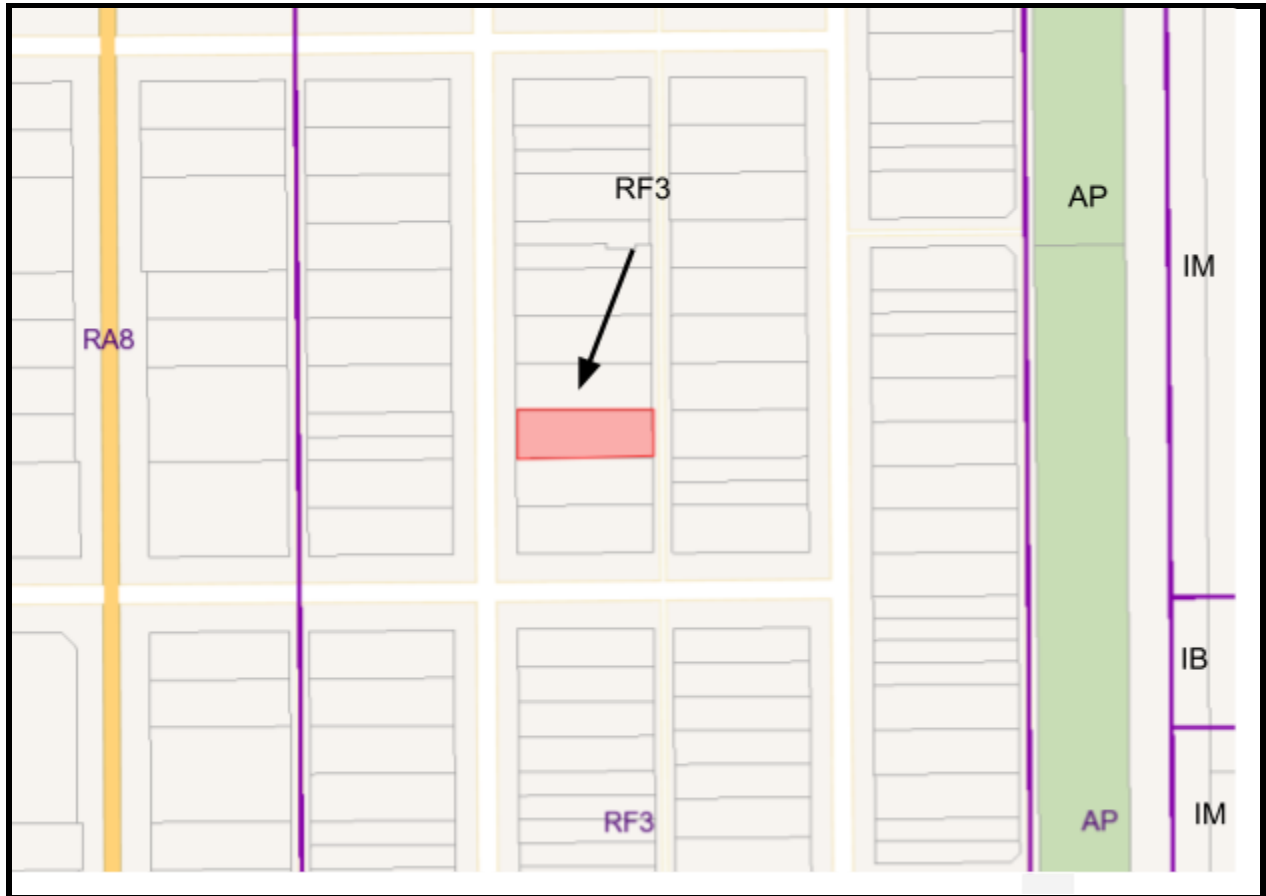
Exceeds by 10 m2

[unedited]

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 378027958-002 Application Date: NOV 12, 2020 Printed: May 19, 2021 at 11:59 AM Page: 1 of 1																														
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Applicant	Property Address(es) and Legal Description(s) 11611 - 123 STREET NW Plan RN46 Blk 35 Lot 18 Specific Address(es) Suite: 11611G - 123 STREET NW Entryway: 11611G - 123 STREET NW Building: 11611G - 123 STREET NW																															
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Development Application Decision Refused Issue Date: May 19, 2021 Development Authority: NICHOLAS, CAROLYN Reason for Refusal Second Storey Floor Area - The maximum Second Storey Floor Area shall be 50 m ² (Section 87.3.c) Maximum: 50 m ² Proposed: 60 m ² Exceeds by 10 m ² Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																																
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$293.00</td> <td style="text-align: right;">\$293.00</td> <td style="text-align: right;">023726056190010</td> <td style="text-align: right;">Nov 12, 2020</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund (Secondary/Garden Suite)</td> <td style="text-align: right;">\$758.00</td> <td style="text-align: right;">\$758.00</td> <td style="text-align: right;">023726056190010</td> <td style="text-align: right;">Nov 12, 2020</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$211.00</td> <td style="text-align: right;">\$211.00</td> <td style="text-align: right;">023726056190010</td> <td style="text-align: right;">Nov 12, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$1,262.00</td> <td style="text-align: right; border-top: 1px solid black;">\$1,262.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$293.00	\$293.00	023726056190010	Nov 12, 2020	Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$758.00	\$758.00	023726056190010	Nov 12, 2020	Development Permit Inspection Fee	\$211.00	\$211.00	023726056190010	Nov 12, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$1,262.00	\$1,262.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-092

▲
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-093

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 388134338-002

APPLICATION TO: Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, fireplace, balcony (3.45m x 1.83m), Basement development, secondary suite, and rear covered deck (Solarium 4.88m x 4.27m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 10, 2021

DATE OF APPEAL: May 20, 2021

NOTIFICATION PERIOD: May 18, 2021 through June 8, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4142 - Kennedy Green SW

LEGAL DESCRIPTION: Plan 1520530 Blk 10 Lot 12

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Keswick Neighbourhood Structure Plan
Windermere Area Structure Plan

Grounds for Appeal

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

1. The rear setback is not within the zoning bylaw of 7.5 metres.
2. The architectural treatment of entries for wood veranda and porches are not permitted. It is unclear on the material that this development is using.
3. The architectural exterior finishes is to be finished in stucco or hardi plank. It is unclear on the material that is used for the solarium.
4. We are not aware that a secondary suite is allowed in this neighbour.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(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 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

Under section 115.2(4), **Secondary Suites**, where developed within Single Detached Housing, Semi-Detached Housing or Duplex Housing, is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

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, or Blatchford Lane Suites.

Section 115.1 states that the **General Purpose** of the **(RSL) Residential Small Lot Zone** is:

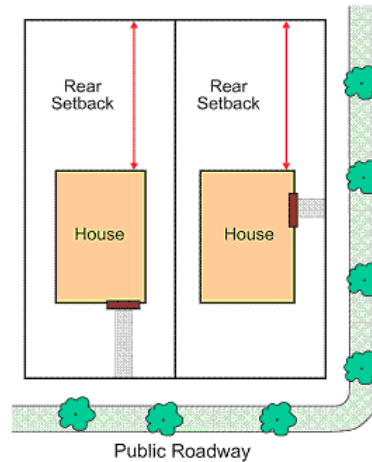
to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.

Rear Setback

Section 115.4(7) states “The minimum Rear Setback shall be 7.5 m, except in the case of a corner Site it shall be 4.5 m.”

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 Single Detached House to the rear property line is 6.5 m instead of 7.5 m (Section 115.4.7).

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.

	Project Number: 388134338-002 Application Date: MAR 03, 2021 Printed: May 20, 2021 at 10:48 AM Page: 1 of 3		
<h2>Minor Development Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
Applicant	<table border="1"> <tr> <td data-bbox="816 447 1378 537"> Property Address(es) and Legal Description(s) 4142 - KENNEDY GREEN SW Plan 1520530 Blk 10 Lot 12 </td> </tr> <tr> <td data-bbox="816 537 1378 695"> Specific Address(es) Suite: 4142 - KENNEDY GREEN SW Suite: BSMT, 4142 - KENNEDY GREEN SW Entryway: 4142 - KENNEDY GREEN SW Building: 4142 - KENNEDY GREEN SW </td> </tr> </table>	Property Address(es) and Legal Description(s) 4142 - KENNEDY GREEN SW Plan 1520530 Blk 10 Lot 12	Specific Address(es) Suite: 4142 - KENNEDY GREEN SW Suite: BSMT, 4142 - KENNEDY GREEN SW Entryway: 4142 - KENNEDY GREEN SW Building: 4142 - KENNEDY GREEN SW
Property Address(es) and Legal Description(s) 4142 - KENNEDY GREEN SW Plan 1520530 Blk 10 Lot 12			
Specific Address(es) Suite: 4142 - KENNEDY GREEN SW Suite: BSMT, 4142 - KENNEDY GREEN SW Entryway: 4142 - KENNEDY GREEN SW Building: 4142 - KENNEDY GREEN SW			
Scope of Permit To construct a Single Detached House with front attached Garage, Unenclosed Front Porch, fireplace, balcony (3.45m x 1.83m), Basement development, secondary suite, and rear covered deck (Solarium 4.88m x 4.27m).			
Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="289 846 808 974"> # of Dwelling Units Add/Remove: 2 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: Y </td> <td data-bbox="816 846 1378 974"> # of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Strat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 2 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: Y	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Strat. Plan Overlay/Annex Area:
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Development Permit Decision Approved Issue Date: May 10, 2021 Development Authority: SAHL, RAMANYOT			

Minor Development Permit

Subject to the Following Conditions

This Development Permit authorizes the development of a Single Detached House with front attached Garage, Unenclosed Front Porch, fireplace, balcony (3.45m x 1.83m), Basement development, secondary suite, and rear covered deck (Solarium 4.88m x 4.27m).

The development shall be constructed in accordance with the stamped and approved drawings.

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

The proposed Basement development shall NOT be used as an additional Dwelling. An additional Dwelling shall require a new Development Permit application.

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 suitable for permanent residence for a single Household (Section 6.1).

Household means: (i) one or more persons related by blood, adoption, foster care, marriage relationship; or (ii) 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 (Section 6.1).

This development permit shall be revoked if the conditions of this permit are not met.

This Development Permit authorizes the development of a Secondary Suite.

The development shall be constructed in accordance with the stamped and approved drawings.

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

A Secondary Suite shall not be developed within the same principal Dwelling containing Supportive Housing (Section 86.4).

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

Secondary Suites shall not be included in the calculation of densities in this Bylaw (Section 86.6).

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

ADVISEMENTS:

Due to the roll face curb construction at this property, there are no requirements for a separate curb crossing permit under Section 1210 and 1211 of Traffic Bylaw No. 5590. Approval is given for the access under this Development Permit.

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 for lot grading inspection inquiries.

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

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



Project Number: **388134338-002**
 Application Date: MAR 03, 2021
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Minor Development Permit

Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2).

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

VariANCES

Reduced Rear Setback - The distance from the Single Detached House to the rear property line is 6.5 m instead of 7.5 m (Section 115.4.7).

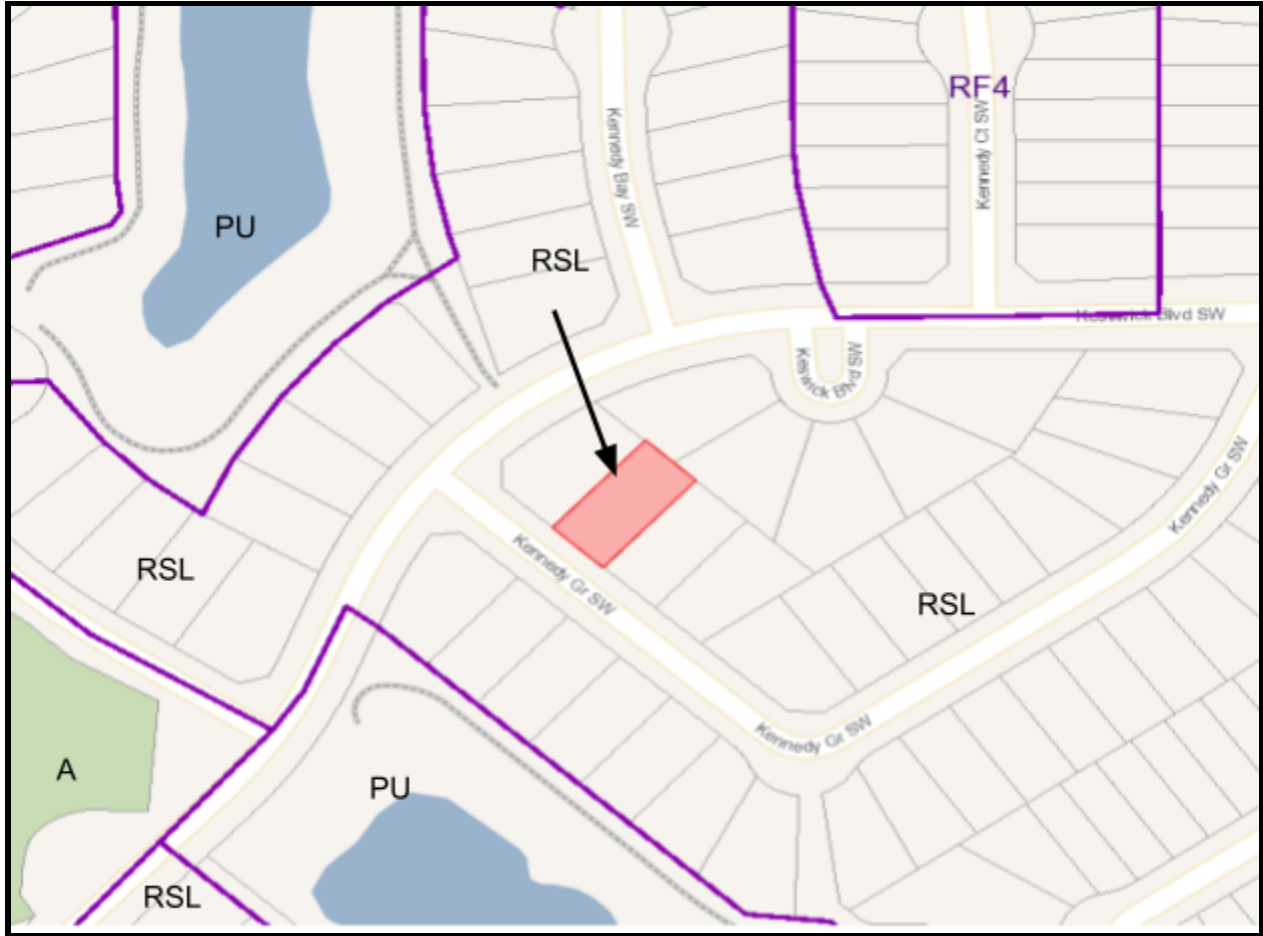
Rights of Appeal

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

Notice Period Begins: May 18, 2021 **Ends:** Jun 08, 2021

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,746.00	\$1,746.00	071520210421000	Apr 21, 2021
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$773.00	\$773.00	071520210421000	Apr 21, 2021
Dev. Application Fee	\$502.00	\$502.00	071520210421000	Apr 21, 2021
Lot Grading Fee	\$148.00	\$148.00	071520210421000	Apr 21, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,169.00	\$3,169.00		



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-093 ▲
N