

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
June 20, 2019**

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

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

I 9:00 A.M. SDAB-D-19-090 Change of Use from Health Services to Minor Alcohol Sales with a Floor Area of 186.36 square metres

POSTPONED TO JULY 10 or 11, 2019

12847 - 50 Street NW
Project No.: 308648088-001

II 10:30 A.M. SDAB-D-19-091 Construct a 4 Dwelling unit Row House with Unenclosed Front Porches, fireplaces, and rear landings

7804 - 94 Avenue NW
Project No.: 300228562-001

III 1:30 P.M. SDAB-D-19-092 Change the use from a Single Detached House to a Lodging House (maximum 6 residents).

11136 - 48 Avenue NW
Project No.: 223062441-003

NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-19-090

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 308648088-001

APPLICATION NO: Change of Use from Health Services to
Minor Alcohol Sales with a Floor Area of
186.36 square metres

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 2, 2019

DATE OF APPEAL: May 19, 2019

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12847 - 50 Street NW

LEGAL DESCRIPTION: Plan 1522188 Blk 1 Lot 15

ZONE: (CSC) Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

POSTPONED TO JULY 10 or 11, 2019

Grounds for Appeal

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

As the development officer mentioned that one of the liquor stores should be on 2.5 hectares but it is 2.36 hectares, it is only 0.14 hectares less. The building I am opening the store in is a 66 unit apartment building. It is a big building. It needs to have a store in there. It will be the walking distance for residences.

Additional reasons will be provided later.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (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, [...]

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 clauses (a.4) and (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 320.3(11), **Minor Alcohol Sales**, on a Site of less than 2 ha is a **Discretionary Use** in the **(CSC) Shopping Centre Zone**.

Under section 7.4(34), **Minor Alcohol Sales** means:

development used for the retail sale of any and all types of alcoholic beverages to the public. This Use may include retail sales of related products such as soft drinks and snack foods. The maximum Floor Area for this Use shall be no more than 275 m² per individual business premises.

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.

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

Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is “to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.”

Section 85 – Major Alcohol Sales and Minor Alcohol Sales

1. Any Major Alcohol Sales or Minor Alcohol Sales shall not be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales.
2. Notwithstanding subsection 85(1), a Major Alcohol Sales or Minor Alcohol Sales may be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales if all the following regulations are met:
 - a. the Major Alcohol Sales or Minor Alcohol Sales are located on separate Sites;
 - b. the Major Alcohol Sales or Minor Alcohol Sales are located outside the boundary shown in Appendix 1 to Section 85; and
 - c. at least one of the Major Alcohol Sales or Minor Alcohol Sales is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3.

...

Development Officer's Determination

1. A Minor Alcohol Sales business shall not be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales. (Reference Section 85.1)


The proposed development is located less than 500 m from two existing Minor Alcohol Sales, contrary to section 85.1.

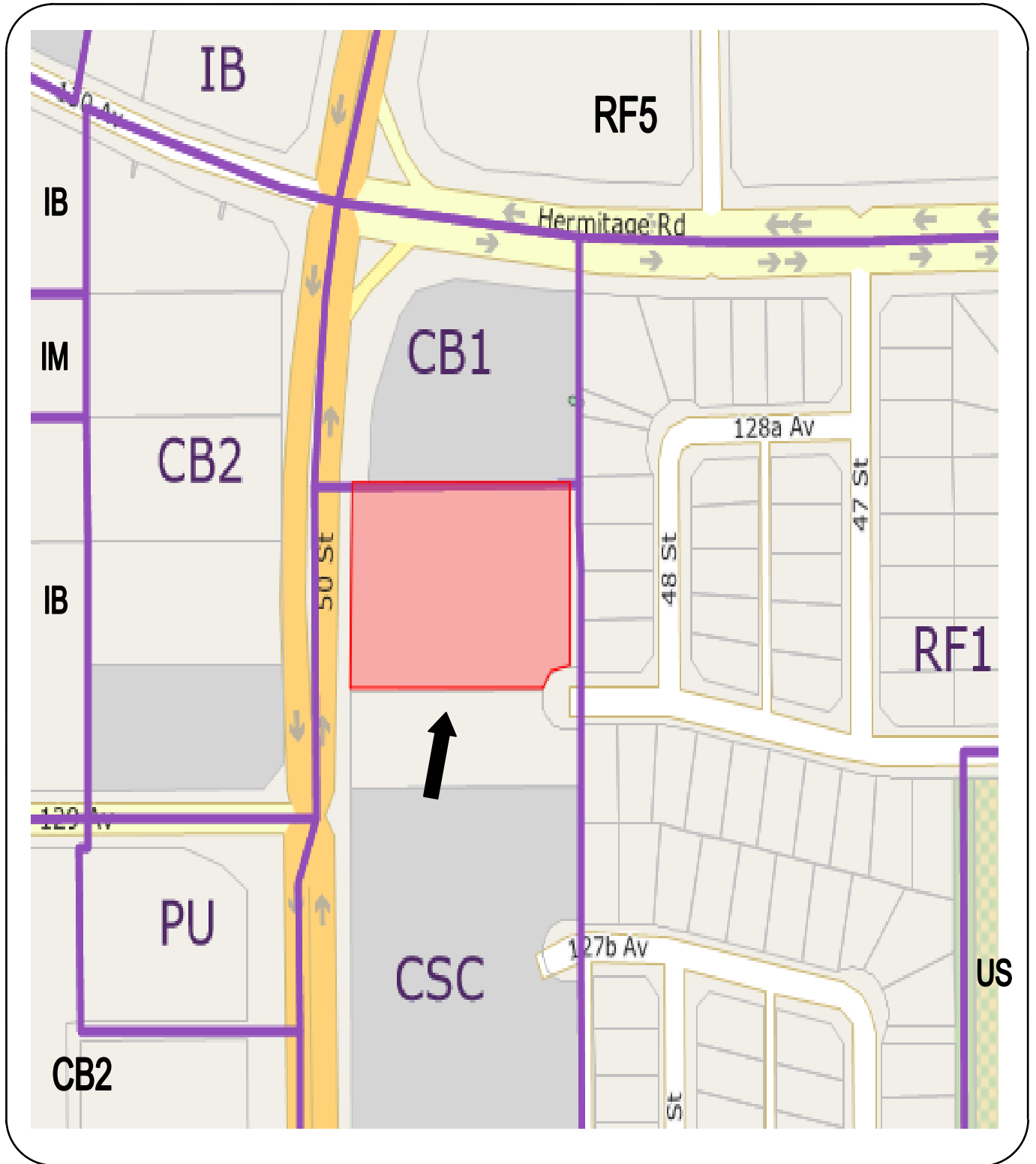
- It is 182 m from an existing liquor store at 12727 - 50 Street NW.
- It is 330 m from an existing liquor store at 13030 - 50 Street NW.

The proposed development does not meet the criteria to consider a variance to this regulation as outlined in Section 85.2. [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 Major Development Permit</h2>	Project Number: 308648088-001 Application Date: MAR 19, 2019 Printed: May 2, 2019 at 4:51 PM Page: 1 of 1		
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 12847 - 50 STREET NW Plan 1522188 Blk 1 Lot 15 Specific Address(es) Suite: 12859 - 50 STREET NW Entryway: 12859 - 50 STREET NW Building: 12847 - 50 STREET NW			
Scope of Application The change of Use from Health Services to Minor Alcohol Sales with a Floor Area of 186.36 m ² .				
Permit Details				
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 7460.21	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused Issue Date: May 02, 2019 Development Authority: KENNEDY, CLARK Reason for Refusal 1. A Minor Alcohol Sales business shall not be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales. (Reference Section 85.1) The proposed development is located less than 500 m from two existing Minor Alcohol Sales, contrary to section 85.1. - It is 182 m from an existing liquor store at 12727 - 50 Street NW. - It is 330 m from an existing liquor store at 13030 - 50 Street NW. The proposed development does not meet the criteria to consider a variance to this regulation as outlined in Section 85.2. Rights of Appeal 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.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$518.00	\$518.00	05724803	Mar 19, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$518.00	\$518.00		
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-090



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-091

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

APPELLANT:

APPLICATION NO.: 300228562-001

APPLICATION TO: Construct a 4 Dwelling unit Row House with Unenclosed Front Porches, fireplaces, and rear landings

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 17, 2019

DATE OF APPEAL: May 27, 2019

NOTIFICATION PERIOD: May 28, 2019 through June 18, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7804 - 94 Avenue NW

LEGAL DESCRIPTION: Plan 5970HW Blk 10 Lot 27

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

There is not enough room for a 4 dwelling unit row house. There will be no room for parking. It is difficult to access the alley way as it is. The bus station will be blocked. There was a lot split next to this lot that has already added increased traffic. Very poorly planned.

<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 clauses (a.4) and (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(6), **Row Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(5), **Row Housing** means:

development consisting of a building containing a row of three or more principal Dwellings joined in whole or in part at the side only with none of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This Use does not include Stacked Row Housing or Blatchford Townhousing.

Section 140.1 states that the **General Purpose** of **(RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four principal Dwellings under certain conditions, including Secondary Suites and Garden Suites.

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

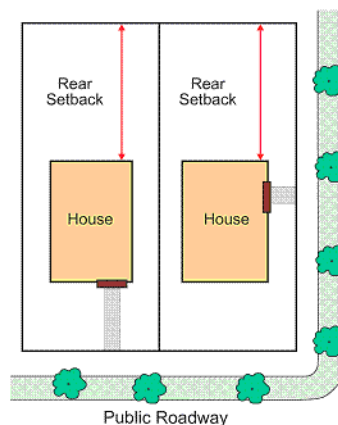
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the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

Rear Setback

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 Officer’s Determination

1. Reduced Rear Setback - The distance from the Row House to the rear property line is 16.25m (36% of site depth) instead of 18.3m (40% of site depth) (Section 814.3.4). [unedited]

Site Width

Section 140.4(4)(c) states the following with respect to Site regulations for Row Housing:

...

c. on a Corner Site the minimum Site Width shall be 14.8 m; [...]

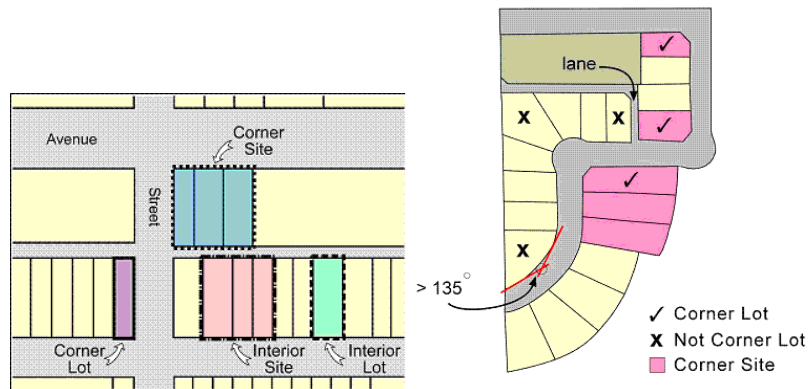
...

Under section 6.1, **Corner Site** means:

means an area of land consisting of one or more adjacent Lots where at least one Lot is:

- a. located at the intersection of two public roadways, other than Lanes; or
- b. abuts a public roadway, other than a Lane, which changes direction at any point where it abuts the Site;

provided that in both cases the Site shall not be considered a Corner Site where the contained angle formed by the intersection or change of direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a Lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the Site shall be that point on the property line abutting the public roadway, provided the roadway is not a Lane, which is nearest to the point of intersection of the tangent lines.



Under section 6.1, **Site Width** means “the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.”

Development Officer’s Determination

2. Site Width - The width of the site is 12.7m instead of 14.8m (Section 140.4.4.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 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

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: 300228562-001 Application Date: DEC 11, 2018 Printed: May 17, 2019 at 9:55 AM Page: 1 of 6</p>		
<h2 style="margin: 0;">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>			
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 7804 - 94 AVENUE NW Plan 5970HW Blk 10 Lot 27</p> <p>Specific Address(es) Entryway: 7804 - 94 AVENUE NW Entryway: 7808 - 94 AVENUE NW Entryway: 7812 - 94 AVENUE NW Entryway: 7816 - 94 AVENUE NW Building: 7804 - 94 AVENUE NW</p>		
<p>Scope of Permit To construct a 4 Dwelling unit Row House with Unenclosed Front Porches, fireplaces, and rear landings.</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> <p># of Dwelling Units Add/Remove: 4 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N</p> </td> <td style="width: 50%; border: none; vertical-align: top;"> <p># of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p> </td> </tr> </table>		<p># of Dwelling Units Add/Remove: 4 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N</p>	<p># of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p>
<p># of Dwelling Units Add/Remove: 4 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N</p>	<p># of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p>		
<p>I/We certify that the above noted details are correct. Applicant signature: _____</p>			
<p>Development Permit Decision Approved Issue Date: May 17, 2019 Development Authority: XIE, JASON</p>			



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Minor Development Permit

Subject to the Following Conditions

1. This Development Permit authorizes the development of a 4 Dwelling unit Row House with Unenclosed Front Porches, fireplaces, and rear landings. The development shall be constructed in accordance with the redlined, stamped and approved drawings.
2. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Reference Section 17.1).
3. WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6.2.3).
4. Where Apartment Housing, Stacked Row Housing, or Row Housing are allowed in this Zone, a maximum of four Dwellings per Site shall be allowed (Section 140.4.19.c).
5. 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).
6. On Corner Sites, the Façades of a principal building Abutting the Front Lot Line and flanking Side Lot Line shall use consistent building materials and architectural features, and shall include features such as windows, doors, or porches (Section 140.4.21).
7. There shall be an entrance feature (landmark pillars) facing 79 STREET NW, as detailed on the elevation drawings (Section 140.4.23).
8. Frosted or opaque glass treatment shall be used on windows as indicated on the drawings to minimize overlook into adjacent properties.
9. For each Row House Dwelling, a minimum 15m² Amenity Area shall be provided. The minimum length and width of Amenity Area shall be 3.0m; if it is provided above the first Storey, the minimum length and width shall be 1.5m. Where provided outdoors, be permanently retained as open space, unencumbered by enclosed Accessory Buildings or future additions. When provided at ground level, Amenity Area shall be defined either through a Fence or landscaped elements including but not limited to planters, hedges, hard and soft surface treatment, or raised structures. (Section 46.2-4)
10. Occupants of each Dwelling shall have access to at least the minimum amount of Amenity Area prescribed for the Dwelling type in which they reside, either as private or Common Amenity Area (Section 46.8).
11. The Common Amenity Area shall include seating and artificial lighting (Section 46.9.d).
12. The area hard surfaced for a Driveway shall comply with Section 54.6 of the Zoning Bylaw 12800.

-LANDSCAPING-

11. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$510.00 (This can be paid by phone with a credit card - 780-442-5054)
12. Landscaping shall be in accordance with the approved landscaping plan and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.
13. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
14. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to



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Minor Development Permit

the satisfaction of the Development Officer.

15. A Guaranteed Landscaping Security shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.

16. Existing vegetation should be preserved and protected unless removal is demonstrated to be necessary or desirable to efficiently accommodate the proposed development (Reference Section 55.6).

17. Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction, reinforce an established Landscaping context in the area, and soften edges and transitions between the street and the structure, and screen the portion of the building facing an interior Side Lot Line (Section 140.4.18).

18. Except for the hard surfacing of Driveways and/or Parking Areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.

-TRANSPORTATION SERVICES-

19. The existing 9 m wide access to 94 Avenue, located approximately 11 m from the east property line must be removed and the curb and gutter constructed and the boulevard restored to grass as per the City of Edmonton Complete Streets Design and Construction Standards. The owner/ applicant must obtain a Permit to remove the access, available from Development Services, 2nd Floor, Edmonton Tower, 10111-104 Avenue NW.

20. There is an existing power pole with Telus facilities in the alley that will interfere with access to the site (see the memorandum from Subdivision Planning dated May 16, 2019). Relocation of the pole will be required and all costs associated with relocation must be borne by the owner/applicant. The applicant should contact Ron Hewitt (780-412-3128) of EPCOR Customer Engineering and Soon Chung (780-446-4913) of Telus for more information.

21. There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant. Please contact Bonnie Fermanuik at City Operations, Parks and Roadways (780-496-4960).

22. Sidewalk connections must be constructed from the building entrances to the public sidewalk to provide pedestrian connectivity.

23. 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.

24. There may be utilities within 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.

25. 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 to confirm 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-reduest.aspx and, <https://www.edmonton.ca/documents/ConstructionSafety.pdf>



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Minor Development Permit

26. Any alley, sidewalk or boulevard 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. All expenses incurred for repair are to be borne by the owner

-DRAINAGE-

27. Permanent Area Contribution (PAC): Storm and Sanitary PACs are not applicable, since the property is not within any active PAC basin.

a) Expansion Assessment (EA): Expansion Assessment is not applicable, since the property is outside the current Expansion Assessment Area.

b) Arterial Roadway Assessment (ARA): Arterial Roadway Assessment is not applicable, since the property is outside the current ARA Catchment Area.

c) Sanitary Sewer Trunk Charge (SSTC)

i) Based on our records, this property was never assessed for SSTC.

ii) SSTC is applicable to the property for 4 multi-family dwellings at the rate of \$1,186/dwelling under the current DP#300228562-001. The number of dwellings is based on the drawings submitted with this Application for Major Development Permit.

Payment should be made at the Edmonton Service Centre, 2nd Floor, 10111 – 104 Avenue NW.

iii) For information purposes, the 2019 rate is \$1,186/dwelling. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment.

d) 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.

e) 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. More information about PAC, EA, and SSTC assessments can be found on the City of Edmonton's website: www.edmonton.ca

-WASTE MANAGEMENT-

28. This is a residential property and therefore falls under the City of Edmonton bylaw 17555, requiring the waste services is provided by the City of Edmonton.

29. This site with 4 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 eight cans. The cans can be placed on the rear pad of the drive way on collection day for pickup.

* Information on some of the waste management requirements is available on https://www.edmonton.ca/programs_services/documents/City_of_Edmonton_Waste_Storage_Requirements.pdf

ADVISEMENT:

i. Upon the first Development Permit Inspection and determination that landscape construction has been completed in compliance with the approved Landscape Plan, 20% of the approved Guaranteed Landscape Security shall be collected and retained for a period



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Minor Development Permit

of 24 months from the date of first Development Permit Inspection. Sites that are not completed or are not compliant with approved Landscape Plans at the first Development Permit Inspection, shall be required to submit a Security for incomplete work, up to and including the full value of the approved Guaranteed Landscape Security value.

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

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

iv. Any future basement development requires development and building permit approvals.

v. Any future additional dwelling such as Secondary Suite shall require a separate 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 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.

vi. 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.

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

viii. 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.

ix. 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

1. Reduced Rear Setback - The distance from the Row House to the rear property line is 16.25m (36% of site depth) instead of 18.3m (40% of site depth) (Section 814.3.4).
2. Site Width - The width of the site is 12.7m instead of 14.8m (Section 140.4.4.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: May 28, 2019

Ends: Jun 18, 2019

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$835.00	\$835.00	05627598	Jan 30, 2019
Lot Grading Fee	\$464.00	\$464.00	05627598	Jan 30, 2019
Sanitary Sewer Trunk Fund	\$3,558.00	\$3,023.00	05627598	Jan 30, 2019
Development Permit Inspection Fee	\$510.00	\$510.00	05627598	Jan 30, 2019

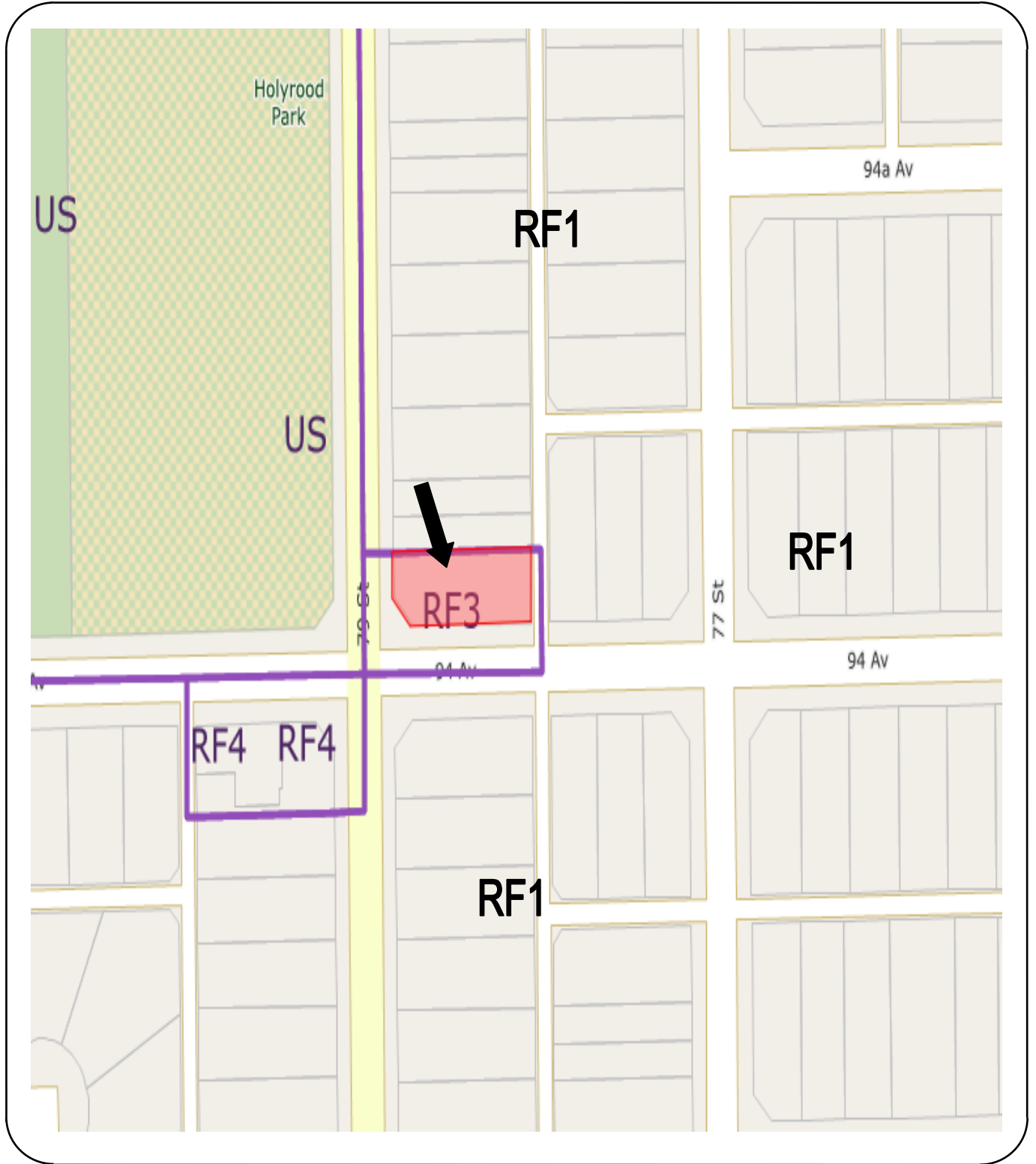


Project Number: **300228562-001**
Application Date: DEC 11, 2018
Printed: May 17, 2019 at 9:55 AM
Page: 6 of 6

Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$5,367.00</u>	<u>\$4,832.00</u>		
(\$535.00 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-091



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-092

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

APPELLANT(S):

APPLICATION NO.: 223062441-003

APPLICATION TO: Change the use from a Single Detached House to a Lodging House (maximum 6 residents).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 22, 2019

DATE OF APPEAL(S): May 28, 2019 and June 10, 2019

NOTIFICATION PERIOD: May 28, 2019 through June 18, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11136 - 48 Avenue NW

LEGAL DESCRIPTION: Plan 5397MC Blk 3 Lot 31

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Appellant No. 1 – A. Chabun

The area was zoned as single family home. The area only has 3 out of the subdivision. There are no facilities for parking. With the increase in density the will be an increase in traffic.

Appellant No. 2 – P. Nowak

I am strongly opposed against approval of the Lodging House at 11136-48 Avenue NW in Edmonton. I am an owner of the adjacent property. It looks to me the subject house has been already operated as lodging house for many years. It might be illegal because the approval process has not been completed yet. There is a big traffic of people coming in and out of the house located at 11136-48 Avenue NW in Edmonton. It is hard to tell exactly how many people live there but the number seems to be very high. You always see new faces and various vehicles coming during any time of the day and night. It looks like it operates as short term rental suite hotel for business profits.

My comments and observations:

1. The proposed Lodging House will increase number of people leaving in the house. I noticed in the past people come and go during day and night.
2. The Lodging House will increase vehicle traffic in the quiet Malmo Plains area.
3. The Lodging House will interfere with the current character of the neighbourhood. Malmo Plains is family and community based neighbourhood. The people living in the lodging house usually rent rooms on temporary basis and they are not attached to Malmo Plains family based community.
4. The Lodging House will affect the use, enjoyment, safety and value of neighbouring houses. In my opinion the real property value of adjacent properties will be affected (decreased). Who wants to purchase a house next to the Lodging House? Will anyone or any board member would like to purchase and live next to the Lodging House? I do not think so.
5. The property has not been properly managed. The garage in the back alley is falling apart, its roof is damaged, eaves troughs are hanging down leaking rain water and the weeds are often 3ft high. I have been personally removing some large weeds around the house because I was afraid the seeds will be carried by the wind to my yard.
6. Cigarettes butts can be found around the property. All or most people living there are from China, Asia and it seems to me many of them are heavy smokers. You can often see tenant(s) standing in front of the house smoking.
7. The family and community spirit of the neighbourhood will be diminished if the proposed Lodging House is approved. Tenants of lodging houses change frequently; they are usually detached from the local community and do not support community activities.

8. There will be privacy issues with increased number of tenants living in the Lodging House compared to Single Detached Housing. Higher fences will be required to provide adequate privacy.
9. Why Lodging House would be permitted in the first place? There are no hotels, motels and apartment buildings in close proximity. Lodging House does not belong to the family oriented neighbourhood Malmo Plains is now. It is not compatible with current Malmo Plains neighbourhood and community nature which is Single Detached Residential Houses zone.
10. The subject area is a low traffic volume area. Lodging House accommodating more people will generate heavier traffic and be disruptive to the area. It will increase volume of traffic on the quiet road.
11. The subject house is a fairly small house. How six (6) independent tenants can safely live in such small house? Are there six (6) bedrooms in the house? Is the house complying with building and fire codes for basement occupancy?
12. What about three (3) parking spaces for six (6) sleeping units, six (6) tenants and one (1) loading space required? Lodging House will accommodate single adult residents who could potentially all own their vehicles. It could result in total of six (6) vehicles, many more than in average family house.
13. The increased parking demand and traffic generation from the proposed development is out of scale with the surrounding single detached houses located on this block.
14. I am concerned with the growing trend of property owners to operate illegally and legally Lodging Houses. Lodging houses operating in this neighbourhood will change its nature from family oriented to business operation.
15. The back alley is already in a horrible shape. Adding more parking spaces in the rear yard will create more traffic in the back alley and consequently will lead to further damage of the back alley which is already in very bad shape.
16. I do not see a single positive reason to have a Lodging House (business operation for profit) in our area. There are already plenty of vacant rental properties throughout the City of Edmonton for people looking for place to live.

Please consider all my comments and observations and I hope the Board will not allow for Lodging House permit. I strongly believe it is in the best interest of adjacent neighbours and all Malmo Plains residents the house at 11136 —48 Avenue NW in Edmonton should remain as Single Detached House (not a Lodging House).

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(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 clauses (a.4) and (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 110.3(3), **Lodging Houses** is a **Discretionary Use** in the **(RF1) Single Detached Residential Zone**.

Under Section 7.3(6), **Lodging Houses** means:

a building or part of building, used for Congregate Living, containing Sleeping Units and four or more persons, and where there is no provision of on-site care, treatment or professional services of a physical or mental health nature. This Use does not include Extended Medical Treatment Services, Detention and Correction Facilities, Fraternity and Sorority Housing, Group Homes, and Limited Group Homes.

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

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

Discretionary Use

Development Officer's Determination

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw. [unedited]

Loading Spaces

Section 54.4(1)(a) states "The number of off-street loading spaces, required for each Use is specified in Schedule 3."

Section 54.4, Schedule 3(2) states:


Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes	Up to <u>2 800 m²</u> Each additional <u>2 800 m²</u> or fraction thereof	1 1 additional

Development Officer’s Determination

Parking - The site has 0 loading spaces, instead of 1 (Section 54.4.1.a and Schedule 3) [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.

	Project Number: 223062441-003 Application Date: FEB 22, 2018 Printed: May 22, 2019 at 4:05 PM Page: 1 of 3
<h2 style="margin: 0;">Major 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	Property Address(es) and Legal Description(s) 11136 - 48 AVENUE NW Plan 5397MC Blk 3 Lot 31
Scope of Permit To change use the from a Single Detached House to a Lodging House (maximum 6 residents).	
Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 557.44	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Permit Decision Approved Issue Date: May 22, 2019 Development Authority: ZHOU, ROWLEY	
(Empty space for additional information or comments)	



Project Number: 223062441-003
Application Date: FEB 22, 2018
Printed: May 22, 2019 at 4:05 PM
Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
This Development Permit authorizes the change of use from a Single Detached House to a Lodging House (maximum 6 residents).
The development shall be constructed in accordance with the stamped and approved drawings
The required parking spaces shall be wholly provided on the same Site as the building. (Reference Section 54.2(2)(a) and Schedule 1)
No Major Home Based Business, Secondary Suite, Garden Suite or Garage Suite shall be permitted as part of a Lodging House development or on the Site of such development (Reference Section 76.7).
For the purpose of applying these regulations, the Development Officer shall maintain a register for all approved Special Residential Facilities. The register shall include the address of the facility, maximum occupancy of the facility, and any other necessary information (Reference Section 96.5);
PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a sanitary Trunk Fund fee of \$1629.00
All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton. Please see the following webpage for more information:
https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx.
Advisements:
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)
A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Variations

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.
Parking - The site has 0 loading spaces, instead of 1 (Section 54.4.1.a and Schedule 3)

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: May 28, 2019 Ends: Jun 18, 2019

Fees

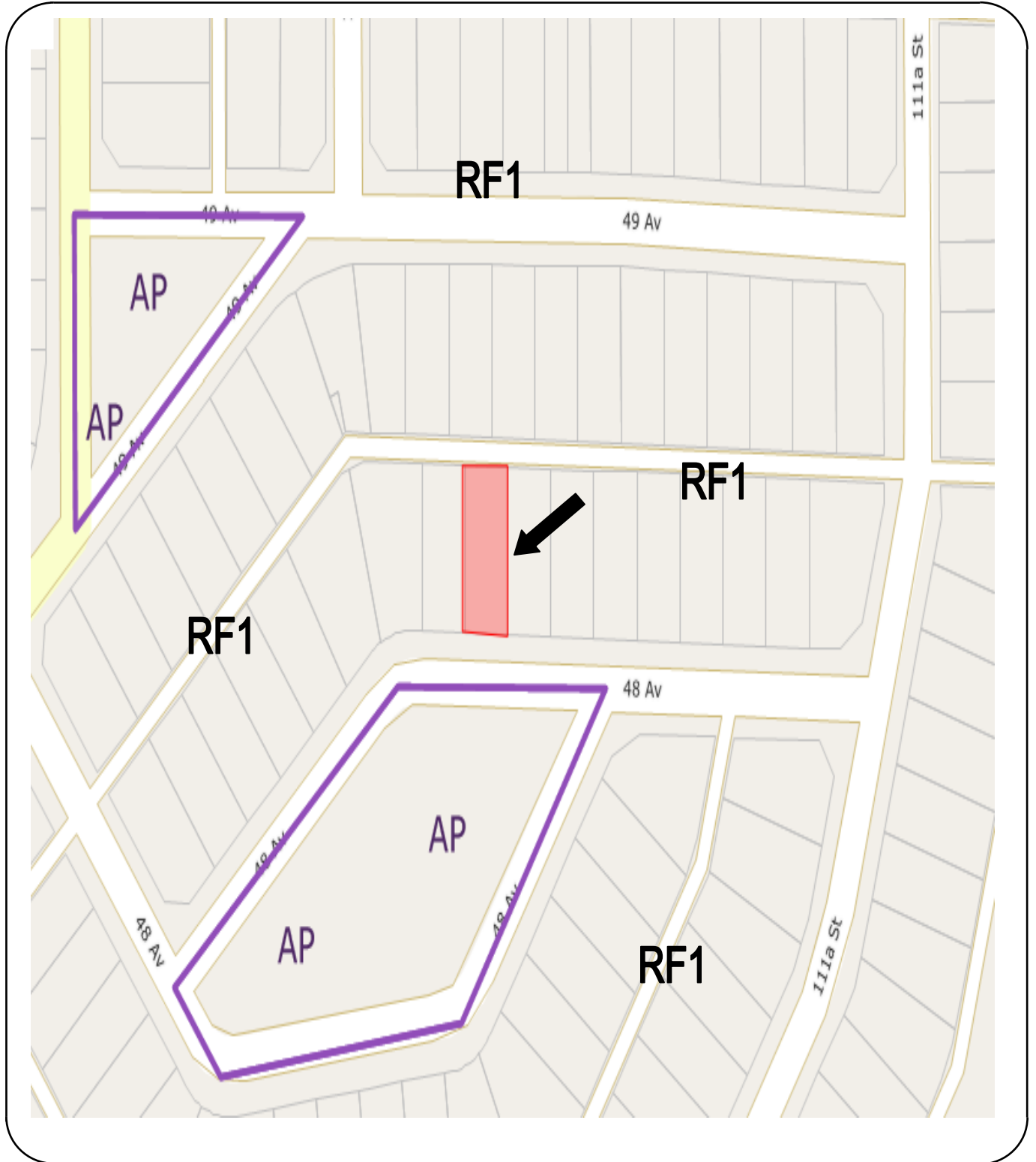


Project Number: **223062441-003**
Application Date: FEB 22, 2018
Printed: May 22, 2019 at 4:05 PM
Page: 3 of 3

Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$510.00	\$510.00	04811464	Feb 22, 2018
Sanitary Sewer Trunk Fund 2012+	\$1,629.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,139.00</u>	<u>\$510.00</u>		
(\$1,629.00 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-092

