

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
June 21, 2018**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

TO BE RAISED

I 9:00 A.M. SDAB-D-18-081 Construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), rear covered deck, Rooftop Terrace, Unenclosed Front Porch, and to demolish an existing Single Detached House
9716 – 96 Street NW
Project No.: 252204092-001

II 10:30 A.M. SDAB-D-18-090 Construct a Single Detached House with two balconies, Secondary Suite in the Basement, and Unenclosed Front Porch
11031 - 86 Avenue NW
Project No.: 252204092-001

III 1:30 P.M. SDAB-D-18-091 Change the Use from Personal Service Shop to Restaurant (63.03 square metres Public Space) and to construct interior alterations (Pizza Restaurant)
1803C - 91 Street SW
Project No.: 277937618-001

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-18-081

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 271496304-001

APPLICATION TO: Construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), rear covered deck, Rooftop Terrace, Unenclosed Front Porch, and to demolish an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 4, 2018

DATE OF APPEAL: April 16, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9716 - 96 Street NW

LEGAL DESCRIPTION: Plan 1226AQ Blk 4 Lot 30

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY(S): Mature Neighbourhood Overlay
North Saskatchewan River Valley and
Ravine System Protection Overlay

STATUTORY PLAN: Cloverdale Area Redevelopment Plan

Grounds for Appeal

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

Over height refusal.

General Matters

The Subdivision and Development Appeal Board made and passed the following motion on June 7, 2018:

"That SDAB-D-18-081 be TABLED to June 20 or 21, 2018"

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 decision is made 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 clause (d), must comply with any land use bylaw in effect;

...

- (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 140.2(10), **Single Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under Section 7.2(8), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 140.1 states that the **General Purpose** of the **(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 Dwellings under certain conditions, and 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.

Section 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is:

To provide a development Setback from the North Saskatchewan River Valley and Ravine System.

Height

Section 814.3(5) states the maximum Height shall not exceed 8.9 metres.

Under Section 6.1(55), **Height** means a vertical distance between two points.

Development Officer's Determination

The height of the house to the midpoint of the parapet is 10.2 metres instead of 8.9 metres, and to top of the parapet is 10.3 metres instead of 9.3 metres

Community Consultation


Section 814.5(1) states that when the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or 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) or 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.

Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(5) – Height

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: 271496304-001 Application Date: JAN 16, 2018 Printed: April 16, 2018 at 10:58 AM Page: 1 of 2																																			
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>																																				
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Applicant	Property Address(es) and Legal Description(s) 9716 - 96 STREET NW Plan 1226AQ Blk 4 Lot 30 Location(s) of Work Entryway: 9716 - 96 STREET NW Building: 9716 - 96 STREET NW																																			
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Issue Date: Apr 04, 2018 Development Authority: XIE, JASON Signature: _____																																				
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%;">Fee Amount</th> <th style="width: 10%;">Amount Paid</th> <th style="width: 10%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Water Usage Fee</td> <td>\$72.60</td> <td>\$72.60</td> <td>04745820</td> <td>Jan 16, 2018</td> </tr> <tr> <td>Electrical Fees (House)</td> <td>\$324.00</td> <td>\$324.00</td> <td>04745820</td> <td>Jan 16, 2018</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td>\$0.00</td> <td>\$204.00</td> <td>04745820</td> <td>Jan 16, 2018</td> </tr> <tr> <td>Building Permit Fee</td> <td>\$2,401.00</td> <td>\$2,401.00</td> <td>04745820</td> <td>Jan 16, 2018</td> </tr> <tr> <td>Electrical Fee (Service)</td> <td>\$81.00</td> <td>\$81.00</td> <td>04745820</td> <td>Jan 16, 2018</td> </tr> <tr> <td>Safety Codes Fee</td> <td>\$96.04</td> <td>\$96.04</td> <td>04745820</td> <td>Jan 16, 2018</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Water Usage Fee	\$72.60	\$72.60	04745820	Jan 16, 2018	Electrical Fees (House)	\$324.00	\$324.00	04745820	Jan 16, 2018	Development Permit Inspection Fee	\$0.00	\$204.00	04745820	Jan 16, 2018	Building Permit Fee	\$2,401.00	\$2,401.00	04745820	Jan 16, 2018	Electrical Fee (Service)	\$81.00	\$81.00	04745820	Jan 16, 2018	Safety Codes Fee	\$96.04	\$96.04	04745820	Jan 16, 2018
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Application for House Development and Building Permit

Project Number: **271496304-001**
Application Date: JAN 16, 2018
Printed: April 16, 2018 at 10:58 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Safety Codes Fee	\$17.46	\$17.46	04745820	Jan 16, 2018
Lot Grading Fee	\$143.00	\$143.00	04745820	Jan 16, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$3,135.10</u>	<u>\$3,339.10</u>		
(overpaid by (\$204.00))				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-081



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-090

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 252204092-001

APPLICATION TO: Construct a Single Detached House with two balconies, Secondary Suite in the Basement, and Unenclosed Front Porch

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 16, 2018

DATE OF APPEAL: May 18, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11031 - 86 Avenue NW

LEGAL DESCRIPTION: Plan I23A Blk 164 Lot 24

ZONE: RF6-Medium Density Multiple Family Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

Grounds for Appeal

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

My appeal is for a development application dated May 18.2017 which was approved on Nov 03, 2017

On May 16, 2018 my approved development was refused. The reason given was that the Development authority erred in their original decision regarding the maximum height allowed in the RF6 zone with an overlying mature neighbourhood area plan & the Garneau Area Redevelopment Plan. I am appealing the refusal decision and would like to request that a variance for the height be given if it is required for the height depending on which guideline and calculation should have been used and if the Development Authority has the right to refuse a development permit that has already been approved.

<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 decision is made under section 642, [...]
 - (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;

...

- (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 170.3(11), **Single Detached Housing** is a **Discretionary Use** in the **(the (RF6) Medium Density Multiple Family Zone)**.

Under section 7.2(8), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 170.1 states that the **General Purpose** of the **(RF6) Medium Density Multiple Family Zone** is to provide for medium density housing, where some units may not have access at ground level.

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Height

Section 823.3(1), **Development Regulations for Permitted and Discretionary Uses, Except Stacked Row Housing and Apartment Housing**, states Development shall comply with the regulations contained in the Mature Neighbourhood Overlay.

Section 814.3(5) states the maximum Height shall not exceed 8.9 metres.

Development Officer's Determination

Over maximum Height - Height is 9.7m instead of 8.9m. (Section 814.3.5)

Community Consultation

Section 814.5 states the following:


1. When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or 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) or 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 11.2 and 11.3.

Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(5) – Height

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: 252204092-001 Application Date: MAY 18, 2017 Printed: May 18, 2018 at 3:12 PM Page: 1 of 2																									
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Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 2952 Class of Permit: Front Yard (m): 5.3 Rear Yard (m): 18.17 Side Yard, left (m): 1.53 Site Area (sq. m.): 404.69 Site Width (m): 10.06 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 9.66 Dwelling Type: Single Detached House Home Design Type: 3-storey Secondary Suite Included?: Y Side Yard, right (m): 1.52 Site Depth (m): 40.23 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 2952 Class of Permit: Front Yard (m): 5.3 Rear Yard (m): 18.17 Side Yard, left (m): 1.53 Site Area (sq. m.): 404.69 Site Width (m): 10.06	Building Height to Midpoint (m): 9.66 Dwelling Type: Single Detached House Home Design Type: 3-storey Secondary Suite Included?: Y Side Yard, right (m): 1.52 Site Depth (m): 40.23 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																							
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Issue Date: May 16, 2018 Development Authority: XIE, JASON Notice Period Begins: Oct 26, 2017 Ends: Nov 16, 2017																										
Issue Date: Apr 12, 2018 Safety Codes Officer: HUNTER, MICHAEL Signature: _____																										
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>Building Permit Fee</td> <td style="text-align: right;">\$2,353.00</td> <td style="text-align: right;">\$2,650.00</td> <td style="text-align: right;">04135732</td> <td style="text-align: right;">May 18, 2017</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$94.12</td> <td style="text-align: right;">\$106.00</td> <td style="text-align: right;">04135732</td> <td style="text-align: right;">May 18, 2017</td> </tr> <tr> <td>Water Usage Fee</td> <td style="text-align: right;">\$72.60</td> <td style="text-align: right;">\$84.70</td> <td style="text-align: right;">04135732</td> <td style="text-align: right;">May 18, 2017</td> </tr> <tr> <td>Sec Suite SSTC Fee</td> <td style="text-align: right;">\$693.00</td> <td style="text-align: right;">\$693.00</td> <td style="text-align: right;">04135732</td> <td style="text-align: right;">May 18, 2017</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Building Permit Fee	\$2,353.00	\$2,650.00	04135732	May 18, 2017	Safety Codes Fee	\$94.12	\$106.00	04135732	May 18, 2017	Water Usage Fee	\$72.60	\$84.70	04135732	May 18, 2017	Sec Suite SSTC Fee	\$693.00	\$693.00	04135732	May 18, 2017
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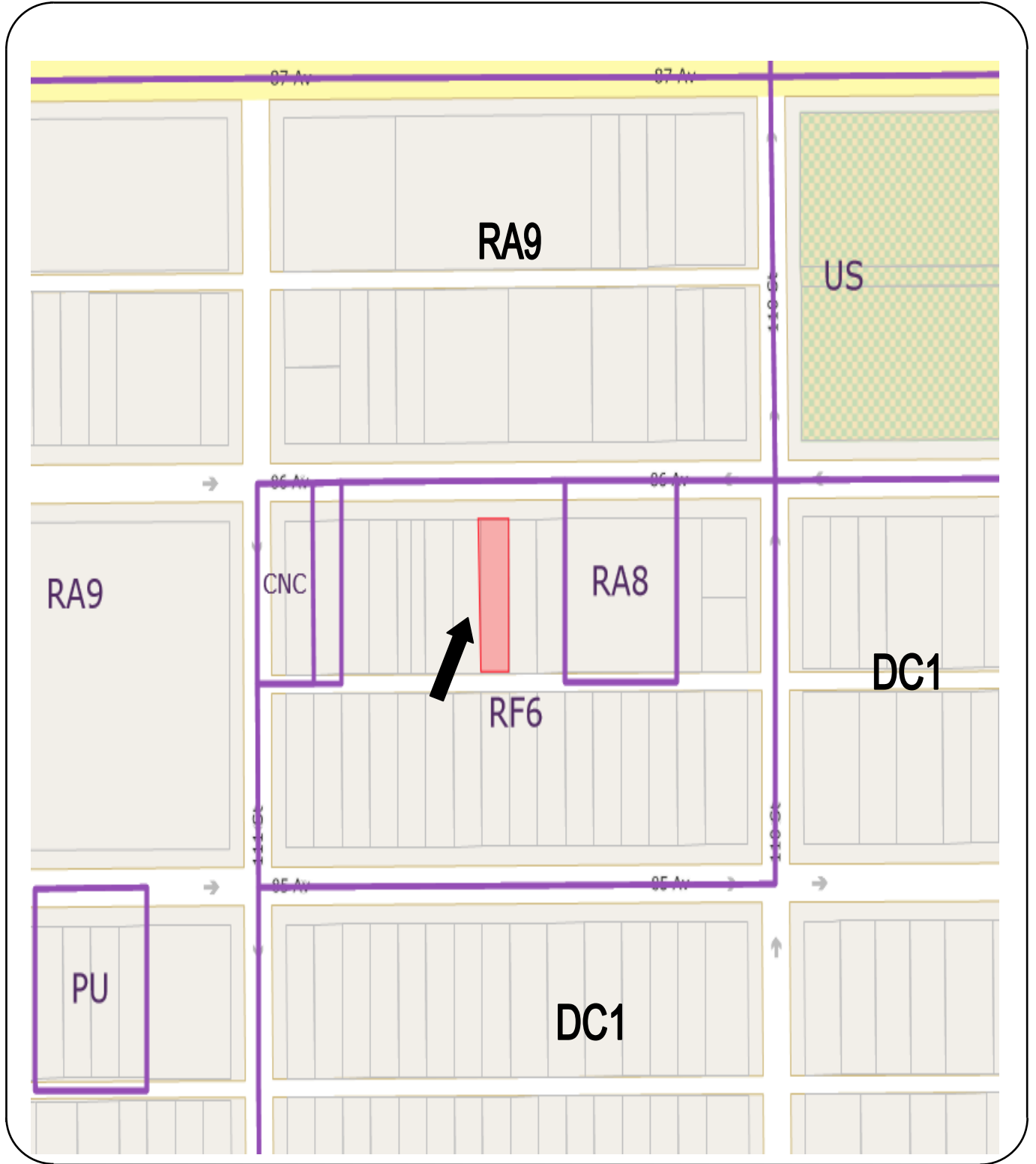
Project Number: **252204092-001**
Application Date: MAY 18, 2017
Printed: May 18, 2018 at 3:12 PM
Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$79.00	\$79.00	04135732	May 18, 2017
Electrical Fees (House)	\$317.00	\$330.00	04135732	May 18, 2017
Lot Grading Fee	\$140.00	\$140.00	04135732	May 18, 2017
Electrical Safety Codes Fee	\$17.18	\$17.70	04135732	May 18, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,765.90	\$4,100.40		
(overpaid by (\$334.50))				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-090



ITEM III: 1:30 P.M.

FILE: SDAB-D-18-091

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

APPELLANT:

APPLICATION NO.: 277937618-001

APPLICATION TO: Change the Use from Personal Service Shop to Restaurant (63.03 square metres Public Space) and to construct interior alterations (Pizza Restaurant)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 26, 2018

DATE OF APPEAL: May 24, 2018

NOTIFICATION PERIOD: May 3, 2018 through May 24, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1803C - 91 Street SW

LEGAL DESCRIPTION: Condo Common Area (Plan 1721728)

ZONE: (EIB) Ellerslie Industrial Business Zone

OVERLAY: Ellerslie Industrial Special Area

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

Grounds for Appeal

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

This development has been found to have inadequate parking for the units in the building. A restaurant will require several parking spaces for staff, in addition to both seated guests and pick-up customers. This will create a problem for the other occupants, in using many more parking spaces than are possibly available for any unit.

Limited parking is already an issue for those of us with customers who drop in during normal daytime business hours. A restaurant opening at early noon, and running through dinner is a conflict of interest for the normal business operations of many of us in the building.

In many locations with restaurants and limited parking space, restaurant customers often park in driving lanes. We have only a single drive-through lane in the back of the building for deliveries; any parking in the area of this driving lane will prevent access for the delivery vehicles that many of us require in order to operate our businesses.

Additionally, the volume of vehicle traffic caused by a popular restaurant will impair movement at the already-busy driveway entrances and in the parking lot, potentially deterring the regular clients of other businesses from being able or willing to contend with the congestion in order to visit those businesses already established.

The building is zoned for Industrial/Commercial use, and particularly due to the limited parking, approved businesses should be limited to those that will operate in such a manner as to not require excessive parking places or unduly increase vehicular traffic, impairing the access to and function of other businesses.

<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 decision is made 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;

...

(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 930.4(3)(25), **Restaurants**, not to exceed 200 occupants nor 240 m² of Public Space, if adjacent to or across the Lane from a Site zoned residential, is a **Discretionary Use** in the (EIB) **Ellerslie Industrial Business Zone**.

Under section 7.4(47), **Restaurants** means:

development where the primary purpose of the facility is the sale of prepared foods and beverages to the public, for consumption within the premises or off the Site. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. This Use typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

Under section 6.1, **Occupants** means:

when referring to Specialty Food Services, Restaurants, Bars and Neighbourhood Pubs and Nightclubs, people that may occupy Public Space within any of these Uses, to be calculated at 1 Occupant per 1.2 m² of Public Space.

Under section 6.1, **Public Space** means:

space that is part of an establishment, which is open to the public and not restricted to only employees. Public Space includes any private non-sale hospitality area where products manufactured within the premises are provided to private groups for tasting and sampling. This definition does not include kitchens, administration offices, food or drink preparation areas.

Section 930.4(5)(1)(a) states the following with respect to *Additional Development Regulations for Discretionary Uses*:

Convenience Retail Stores, Child Care Services, Specialty Food Services, Restaurants, Bars and Neighbourhood Pubs, Nightclubs and Personal Service Shops shall be sited in accordance with the following:

- a. as part of an office or industrial project where such Discretionary Uses are intended to service and support the principal industrial or office Use.

Section 930.4(1) states that the **General Purpose** of the **(EIB) Ellerslie Industrial Business Zone** is:

to provide for light industrial businesses and high technology development that carries out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent Non-industrial Zone.

Section 930.1 states that the **General Purpose** of the **Ellerslie Industrial Special Area** is:

to designate a portion of the Ellerslie Area Structure Plan as shown on Appendix I to this Section, as a Special Area and to adopt appropriate land use regulations for this Special Area in order to achieve the objectives of the Ellerslie Area Structure Plan, as adopted under Bylaw 11870, as amended.

Development Officer’s Determination

Discretionary Use - A Restaurant is approved as a Discretionary Use (Section 930.4.3(25)). [unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-15-139	To construct a General Industrial and Commercial Use Building.	July 15, 2015; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as applied for, subject to CONDITIONS. In granting the development the following variances to the <i>Zoning Bylaw</i> are allowed:

		1) Pursuant to Section 54.2. Schedule 1, the overall required off-street parking reduced from 95 spaces to 82 parking spaces.
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Notice to Applicant/Appellant

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



Project Number: 277937618-001
Application Date: MAR 26, 2018
Printed: April 26, 2018 at 4:39 PM
Page: 1 of 2

Major Development Permit

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) 1803C - 91 STREET SW Condo Common Area (Plan 1721728)
	Specific Address(es) Suite: 101, 1803 - 91 STREET SW Entryway: 101, 1803 - 91 STREET SW Building: 1803 - 91 STREET SW

Scope of Permit
To change the Use from Personal Service Shop to Restaurant (63.03m2 Public Space) and to construct interior alterations (Pizza Restaurant)

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	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 Permit Decision
Approved



Project Number: **277937618-001**
 Application Date: MAR 26, 2018
 Printed: April 26, 2018 at 4:39 PM
 Page: 2 of 2

Major Development Permit

Subject to the Following Conditions

NOTE: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Section 17.1)

1) All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1.c)

2) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)

ADVISEMENTS:

1) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

2) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

3) Signs require separate Development Applications.

4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

5) 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).

Variances

Discretionary Use - A Restaurant is approved as a Discretionary Use (Section 930.4.3(25)).

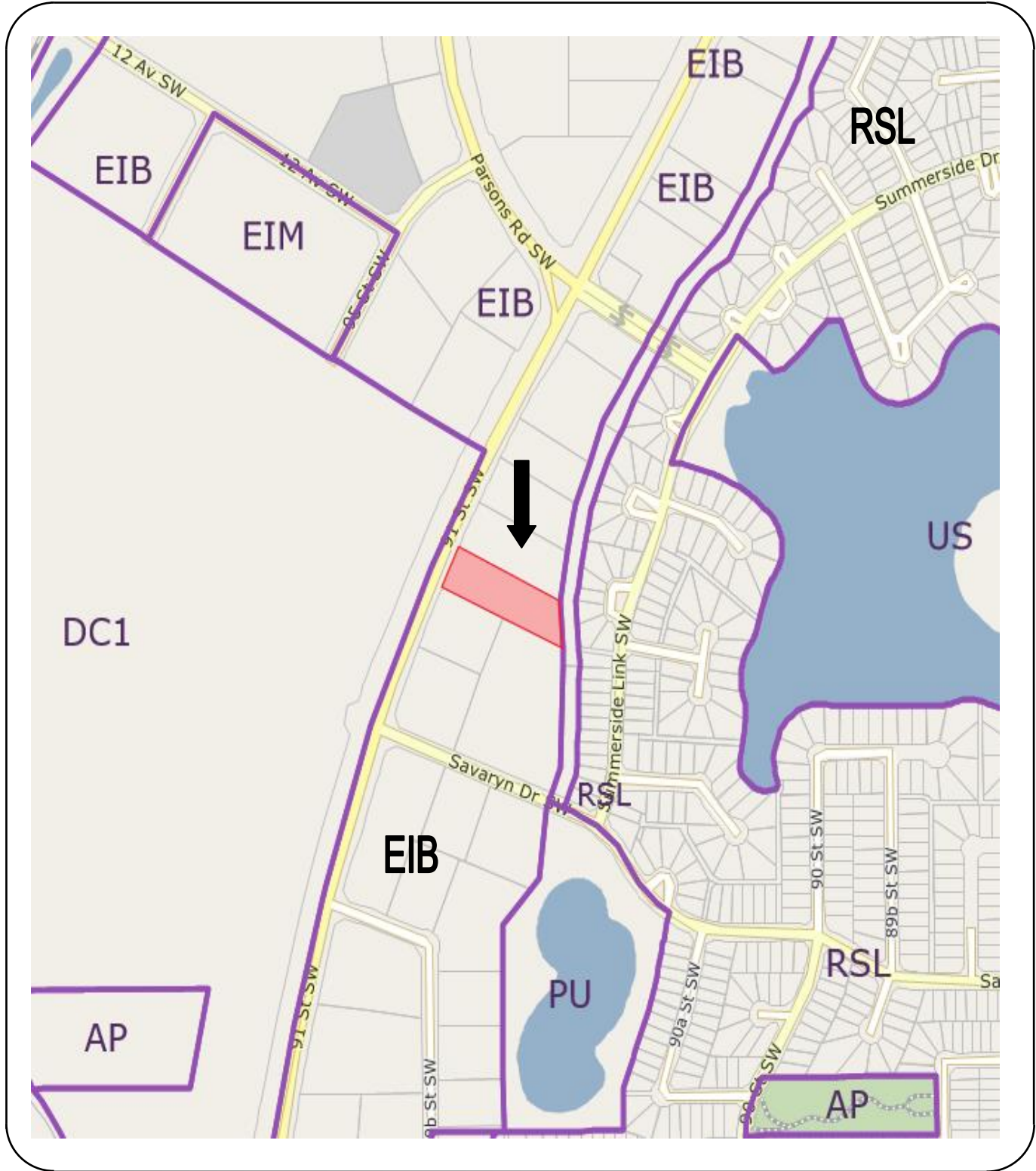
Rights of Appeal

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

Issue Date: Apr 26, 2018 **Development Authority:** KIM, JENNIFER **Signature:** _____

Notice Period Begins: May 03, 2018 **Ends:** May 24, 2018

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$510.00	\$510.00	04897488	Mar 26, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$510.00	\$510.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-091

▲
N