

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
June 21, 2017**

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

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

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I	9:00 A.M.	SDAB-D-17-110	Construct an Accessory Building (rear detached Garage 7.32 metres by 9.14 metres) and to demolish an existing Accessory Building (rear detached garage)  8328 - 120 Street NW Project No.: 245323279-001
<hr/>			
II	10:30 A.M.	SDAB-D-17-109	Install (1) Minor Digital On-premises Off-premises Freestanding Sign (3.7 metres by 7.4 metres single sided facing SW) (replace DP: 111458875-001) (ASTRAL OUT-OF-HOME)  13715 - Manning Drive NW Project No.: 111458875-004
<hr/>			
III	1:30 P.M.	SDAB-D-17-111	Construct a Secondary Suite in the Basement of an existing Single Detached House (existing without permits) and to construct exterior alterations (increasing window size on rear elevations and new Basement window on side elevation)  4123 - 109 Street NW Project No.: 245757727-001
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**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-17-110

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 245323279-001

APPLICATION TO: Construct an Accessory Building (rear detached Garage 7.32 metres by 9.14 metres) and to demolish an existing Accessory Building (rear detached garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 11, 2017

DATE OF APPEAL: May 24, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8328 - 120 Street NW

LEGAL DESCRIPTION: Plan 4116HW Blk 12 Lot 13

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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*Grounds for Appeal*

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

I would like to proceed and build the garage with a height of 5.08 m.

It is reasonable to allow the construction of the over-height building because:

- 1) I wish to have the roof at a pitch high enough to effectively accommodate the installation of solar panels. Without the higher pitch to the roof, solar will not work well.
- 2) The neighbour to the north constructed a garage which is similarly high. (two years ago)

- 3) The neighbour to the north east has an older garage that is similarly over-height.
- 4) The closest four neighbours within 60 meters of the lot have expressed support for the proposal. They are north, east, south and west of the lot and thus are most immediate to the development.

Given the existing high garages in the neighbourhood and the support expressed by the neighbours, this development will not substantially alter the nature of the area. I also believe it is beneficial to provide for alternative energy sources in the future.

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

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

**Grounds for Appeal**

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

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

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

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

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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 110.2(4), **Single Detached Housing** is a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

Under section 7.2(9), **Single Detached Housing** means:

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

...to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

<b><i>Height</i></b>
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Section 50.3(2) states an Accessory building or structure shall not exceed 4.3 metres in Height.

**Development Officer's Determination:**


Garage height is 5.08 metres instead of 4.3m (Section 50.3.2)

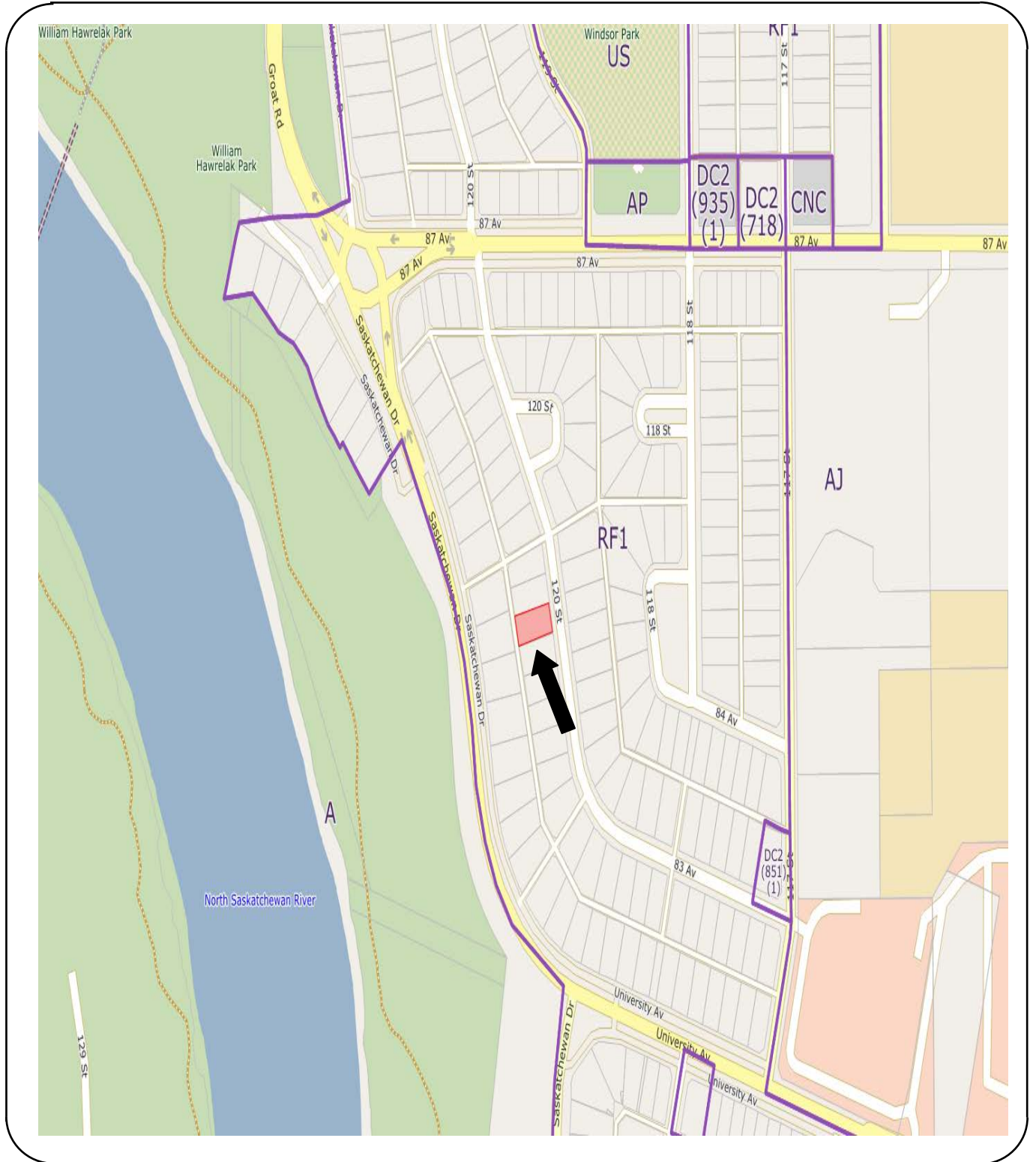
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**Notice to Applicant/Appellant**

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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	Project Number: <b>245323279-001</b> Application Date: APR 10, 2017 Printed: May 24, 2017 at 11:33 AM Page: 1 of 1																														
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Development and Building Permit</h3>																															
This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit																															
<b>Applicant</b>  <div style="border: 1px solid black; width: 100%; height: 30px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 8328 - 120 STREET NW Plan 4116HW Blk 12 Lot 13  <b>Location(s) of Work</b> Entryway: 8328 - 120 STREET NW Building: 8328 - 120 STREET NW																														
<b>Scope of Application</b> To construct an Accessory Building (rear detached Garage 7.32m x 9.14m) and to demolish an existing Accessory Building (rear detached garage)																															
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Building Area (sq. ft.): 720                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> <td style="width: 50%; border: none;">                     Class of Permit:                      Type of Accessory Building: Detached Garage (010)                 </td> </tr> </table>		Building Area (sq. ft.): 720 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Type of Accessory Building: Detached Garage (010)																												
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I/We certify that the above noted details are correct.  Applicant signature: _____																															
<b>Development Application Decision</b> Refused  <b>Reasons for Refusal</b> Garage height is 5.08m instead of 4.3m (Section 50.3.2)  <b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.																															
Issue Date: May 11, 2017    Development Authority: WATTS, STACY    Signature: _____																															
<b>Fees</b> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: left;">Receipt #</th> <th style="width: 10%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td>04041985</td> <td>Apr 10, 2017</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$113.00</td> <td style="text-align: right;">\$113.00</td> <td>04041985</td> <td>Apr 10, 2017</td> </tr> <tr> <td>Building Permit Fee</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">\$105.00</td> <td>04041985</td> <td>Apr 10, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$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;">\$222.50</td> <td style="text-align: right; border-top: 1px solid black;">\$222.50</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$4.50	\$4.50	04041985	Apr 10, 2017	Dev. Application Fee	\$113.00	\$113.00	04041985	Apr 10, 2017	Building Permit Fee	\$105.00	\$105.00	04041985	Apr 10, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$222.50	\$222.50		
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### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-110





ITEM II: 10:30 A.M.

FILE: SDAB-D-17-109

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 111458875-004

APPLICATION TO: Install (1) Minor Digital On-premises Off-premises Freestanding Sign (3.7 metres by 7.4 metres single sided facing SW) (replace DP: 111458875-001) (ASTRAL OUT-OF-HOME)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 23, 2017

DATE OF APPEAL: May 29, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13715 - Manning Drive NW

LEGAL DESCRIPTION: Plan 0122444 Lot 7A

ZONE: CB2-General Business Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: Clareview Town Centre Neighbourhood Area Structure Plan

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*Grounds for Appeal*

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

This application was to extend the duration of an existing sign permit.

Variance for height was previously approved by SDAB in the initial sign application, and the development officer reviewing the application to extend the duration of the permit has indicated that she does not have the authority to approve the height variance previously granted by the SDAB.

The sign that is being renewed was inadvertently built slightly too close to the property line and thus does not meet the required setback.

There have been no reported issues or safety concerns associated with the sign as it currently exists and it is our position that a variance for the minor setback deficiency is very reasonable.

*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**

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- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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 340.3(44), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **CB2 General Business Zone**.

Under section 7.9(7), **Minor Digital On-premises Off-premises Signs** means:

any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

Section 340.4(9) states “Signs shall comply with the regulations found in Schedule 59F.”

Section 340.1 states that the **General Purpose** of the **CB2 General Business Zone** is:

to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.

Section 813.1 states that the **General Purpose** of the **Major Commercial Corridors Overlay** is:

to ensure that development along Major Commercial Corridors is visually attractive and that due consideration is given to pedestrian and traffic safety.

***Height***

Section 59F.3(6)(b) states the maximum Height shall be 8.0 metres

**Development Officer's Determination:**

Proposed: 9.45 metres

Exceeds by: 1.45metres

The Development Officer does not have the authority to vary Height (Reference Section 11.3(1)(b)).

***Setback***

Schedule 59F.3(6)(j) states "proposed Signs with an Area greater than 8.0 square metres shall not be located within any Setback."

Section 340.4(3) states:

a minimum Setback of 4.5 metres shall be required where a Site abuts a public roadway, other than a Lane. Where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, no Setback shall be required.

Under section 6.1(96), **Setback** means "the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space."

**Development Officer's Determination:**

Proposed Sign Area: 27.4 square metres

Required setback in the CB2 Zone is: 4.5 metres (Reference Section 340.4(3))

Proposed setback: 4.2 metres

Deficient by: 0.3 metres

***Setback***

Section 813.4(6)(a) states:

Setbacks with a minimum Width of 7.5 m shall be provided adjacent to Major Arterial Roads within the Major Commercial Corridors and adjacent Arterial Roads that directly intersect such Major Arterial Roads. However, the Development Officer may use variance power to reduce this Setback requirement to a minimum Width of 4.5 m, provided that:

- i. the average Width of the Setback is not less than 6.0 m; and
- ii. this Setback width relaxation is required to allow for a more efficient utilization of the Site and the relaxation shall result in an articulation of the Setback width that shall enhance the overall appearance of the Site.

**Development Officer’s Determination:**

Required Setback: 4.5 metres

Proposed setback: 4.2 metres

Deficient by: 0.3 metres

The Development Officer does not have the authority to vary this setback (Reference Section 813.4(6)(a)(i-ii)).

***Previous SDAB Decisions***

<b>SDAB Number</b>	<b>Application</b>	<b>DECISION</b>
SDAB-D-11-214	To construct an Off-premises Freestanding Animation Sign (3.66 metres by 7.3 metres single sided LED Digital Display facing SW)	October 14, 2011; that the appeal be ALLOWED and the development GRANTED and the excess of 1.45 metre in the maximum allowable Height be permitted, subject to the following conditions:  - the proposed sign shall be located 4.5 metres from the property line;


SDAB-D-11-214 <i>Continued</i>		- the Off-premises Freestanding Sign is approved for five years and will expire on October 14, 2016;  ...
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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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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	Project Number: <b>111458875-004</b> Application Date: AUG 30, 2016 Printed: May 29, 2017 at 3:20 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
<b>Applicant</b>  <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<b>Property Address(es) and Legal Description(s)</b> 13715 - MANNING DRIVE NW Plan 0122444 Lot 7A
<b>Scope of Application</b> To install (1) Minor Digital On-premises Off-premises Freestanding Sign (3.7m x 7.4m single sided facing SW) (replace DP: 111458875-001) (ASTRAL OUT-OF-HOME)	
<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: Construction Value: 0	Class of Permit: Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 1	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct.  Applicant signature: _____	
<b>Development Application Decision</b> Refused	
<b>THIS IS NOT A PERMIT</b>	



Project Number: **111458875-004**  
 Application Date: AUG 30, 2016  
 Printed: May 29, 2017 at 3:20 PM  
 Page: 2 of 2

## Application for Sign Combo Permit

**Reason for Refusal**

1) The maximum Height shall be 8.0 m (Reference Section 59F.3(6)(b)).

Proposed: 9.45m  
 Exceeds by: 1.45m

The Development Officer does not have the authority to vary Height (Reference Section 11.3(1)(b)).

2) Proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback (Reference Section 59F.3(6)(j)).

Proposed Sign Area: 27.4m<sup>2</sup>  
 Required setback in the CB2 Zone is: 4.5m (Reference Section 340.4(3))  
 Proposed setback: 4.2m  
 Deficient by: 0.3m

3) Setbacks with a minimum Width of 7.5 m shall be provided adjacent to Major Arterial Roads within the Major Commercial Corridors and adjacent Arterial Roads that directly intersect such Major Arterial Roads. However, the Development Officer may use variance power to reduce this Setback requirement to a minimum Width of 4.5 m, provided that the average Width of the Setback is not less than 6.0 m, and this Setback width relaxation is required to allow for a more efficient utilization of the Site and the relaxation shall result in an articulation of the Setback width that shall enhance the overall appearance of the Site (Reference Section 813.4(6)(a) (i-ii)).

Required Setback: 4.5m  
 Proposed setback: 4.2m  
 Deficient by: 0.3m

The Development Officer does not have the authority to vary this setback (Reference Section 813.4(6)(a)(i-ii)).

**Rights of Appeal**

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

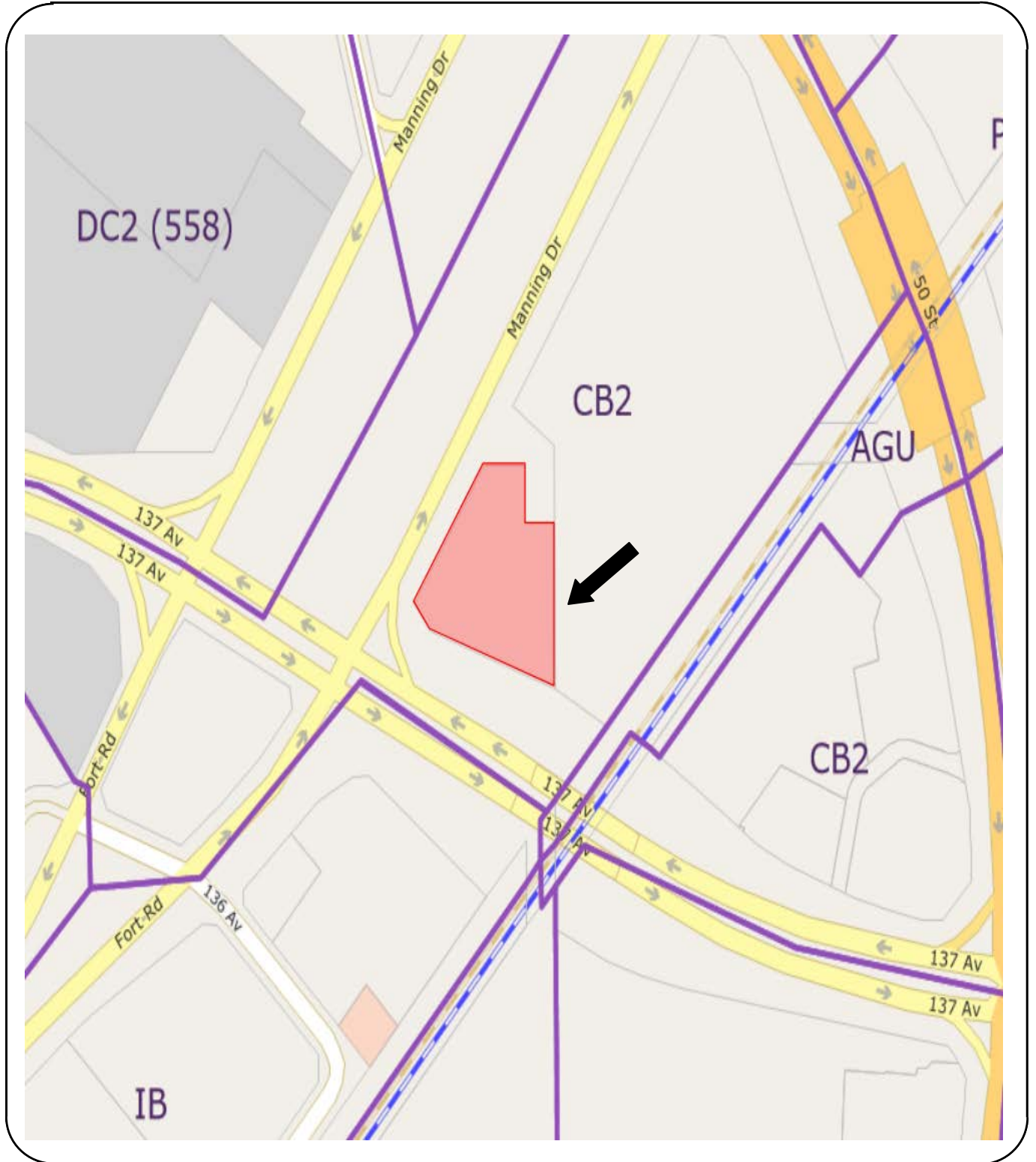
**Issue Date:** May 23, 2017    **Development Authority:** NOORMAN, BRENDA    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$425.00	\$425.00	03653120	Oct 04, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$425.00	\$425.00		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-109



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-111

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

APPELLANT:

ADDRESS OF RESPONDENT: 4119 – 109 Street

APPLICATION NO.: 245757727-001

APPLICATION TO: Construct a Secondary Suite in the Basement of an existing Single Detached House (existing without permits) and to construct exterior alterations (increasing window size on rear elevations and new Basement window on side elevation)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: May 15, 2017

DATE OF APPEAL: May 29, 2017

NOTIFICATION PERIOD: May 23, 2017 through June 6, 2017

RESPONDENT: Habitat Studio & Workshop Ltd.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4123 - 109 Street NW

LEGAL DESCRIPTION: Plan 1452TR Blk 24 Lot 6

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Duggan Neighbourhood Area Structure Plan

Grounds for Appeal

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

Resident owners have moved out of the house (4123-109 Street) over two months ago. Residents children are currently renting the upstairs of the house.

With the development of the basement suite an additional rental unit will be established. Rental suites in Rideau Park put a constraint, on parking, traffic volume, and resale value. Rideau Park is a single family dwelling neighborhood, houses within this neighborhood were not meant for multiple families which is what will be the outcome if the permit at BSMT, 4123-109 Street is approved. Several neighbors have voiced their concerns to me over this development, and it is my duty as a good Samaritan and looking out for the best interest of the future of Rideau Park to make this appeal against this development and keep Rideau Park housing to single family housing as it was designed and zoned for.

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

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

**Grounds for Appeal**

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

- (a) fails or refuses to issue a development permit to a person,
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...

- (b) in the case of an appeal made by a person referred to in section 685(2), 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 and statutory plans and, subject to clause (d), the land use bylaw in effect;

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- (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*:**

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

...to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Under section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

Under section 7.2(9), **Single Detached Housing** means:

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.

Under section 110.2(3), a **Secondary Suite** is a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

Under section 7.2(7), **Secondary Suite** means:

**Secondary Suite** means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Use is Single Detached 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 the side or rear of the structure. This Use includes the development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Section 110.4(17) states Secondary Suites shall comply with Section 86 of this Bylaw.

<b><i>Non-conforming Building</i></b>
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Section 643 of the *Municipal Government Act*, RSA 2000, c M-26, states the following:

- (1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the

bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

- (2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
- (5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
  - (a) to make it a conforming building,
  - (b) for routine maintenance of the building, if the development authority considers it necessary, or
  - (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

Section 11.2(2) states that the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for the land in this Bylaw and the proposed development would not, in his opinion:

- a) unduly interfere with the amenities of the neighbourhood; or
- b) materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Section 12.4(1) states this class includes all developments for which applications are required and are for a Discretionary Use or require a variance to any of the regulations of this Bylaw. This class of Development Permit also includes all applications on Sites designated Direct Control not noted in Section 12.3.

**Development Officer's Determination:**


Discretionary Development - Includes all developments that propose an enlargement, alteration, or addition to a legal non-conforming building (Reference Section 11.2.2).

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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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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	Project Number: <b>245757727-001</b> Application Date: APR 18, 2017 Printed: May 29, 2017 at 11:54 AM Page: 1 of 3		
<b>Minor Development Permit</b>			
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.			
<b>Applicant</b>  <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	<b>Property Address(es) and Legal Description(s)</b> 4123 - 109 STREET NW Plan 1452TR Blk 24 Lot 6  <b>Specific Address(es)</b> Suite: BSMT, 4123 - 109 STREET NW Entryway: 4123 - 109 STREET NW Building: 4123 - 109 STREET NW		
<b>Scope of Permit</b> To construct a Secondary Suite in the Basement of an existing Single Detached House (existing without permits) and to construct exterior alterations (increasing window size on rear elevations and new Basement window on side elevation).			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     # of Dwelling Units Add/Remove: 1                      Client File Reference Number:                      Minor Dev. Application Fee: Secondary Suite                      Secondary Suite Included?: Y                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class B                      Lot Grading Needed?: N                      New Sewer Service Required: N                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Permit Decision</b> Approved			
<b>The permit holder is advised to read the reverse for important information concerning this decision.</b>			





Project Number: 245757727-001  
Application Date: APR 18, 2017  
Printed: May 29, 2017 at 11:54 AM  
Page: 2 of 3

## Minor 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 development of a Secondary Suite in the Basement of an existing Single Detached House (existing without permits) and to construct exterior alterations (increasing window size on rear elevations and new Basement window on side elevation). It does not authorize any other additions or exterior alterations to the principal building.

1. Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling. (Reference Section 86.5)
2. A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business. (Reference Section 86.6)
3. Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.
4. The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. (Reference Section 86.7)
5. Parking shall be provided in accordance with the stamped and approved drawings.
6. 1 parking space per 2 Sleeping Units shall be provided in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites and Garage Suites. (Reference Section 54.2(2))
7. The minimum width of the each required parking stall shall be 2.6m x 5.5m. (Reference Section 54.2(4)(a))
8. All required parking shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced. (Reference Section 54.6(1)(i))

### NOTES:

1. Locked separation that restricts the nonconsensual movement of persons between each Dwelling unit shall be installed.
2. 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.
3. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

### VariANCES

1. Discretionary Development - Includes all developments that propose an enlargement, alteration, or addition to a legal non-conforming building (Reference Section 11.2.2).

### 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: May 15, 2017    Development Authority: McARTHUR, JORDAN

Signature: \_\_\_\_\_

Notice Period Begins: May 23, 2017

Ends: Jun 06, 2017

The permit holder is advised to read the reverse for important information concerning this decision.



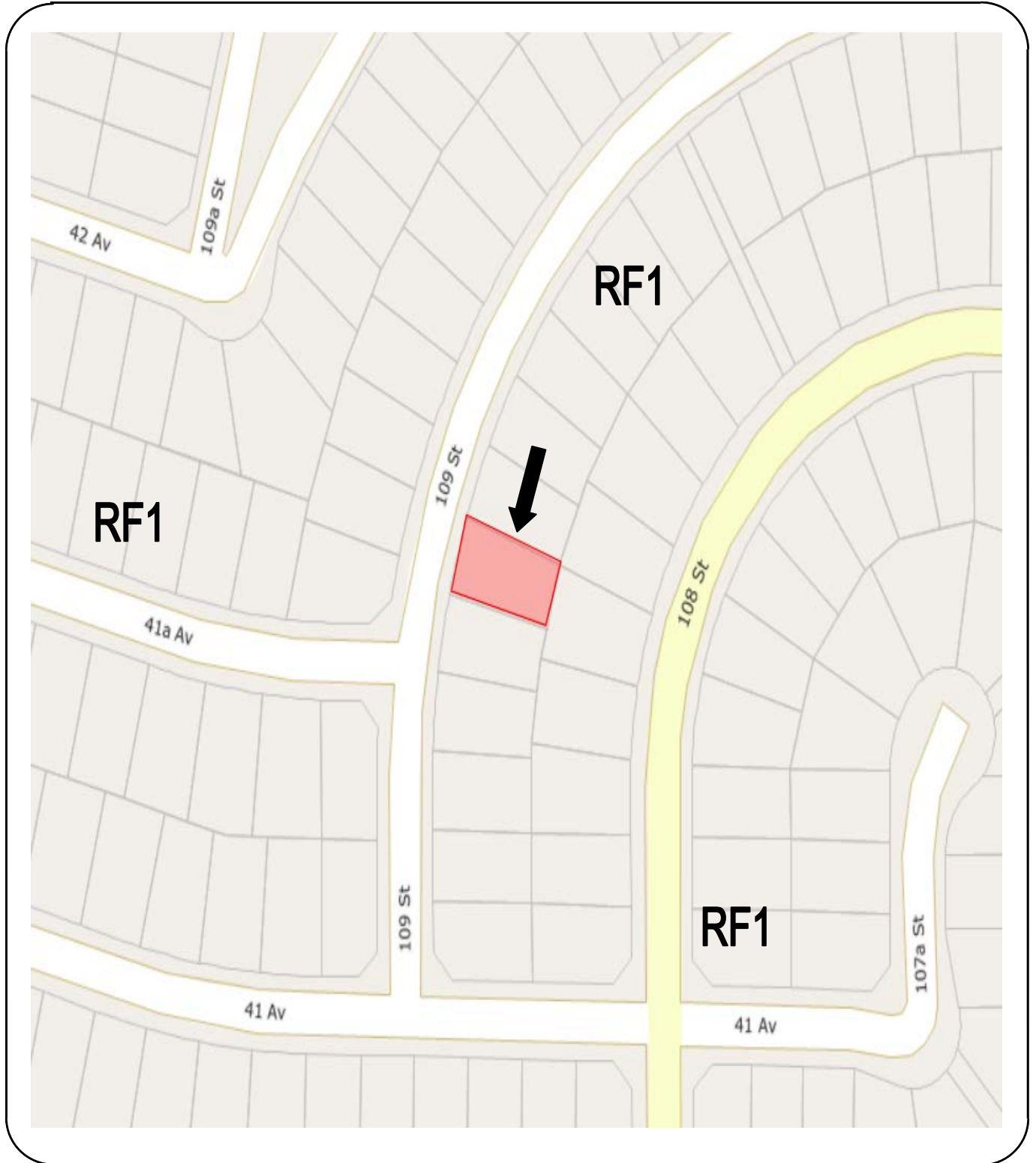
Project Number: **245757727-001**  
Application Date: APR 18, 2017  
Printed: May 29, 2017 at 11:54 AM  
Page: 3 of 3

## Minor Development Permit

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$277.00	\$277.00	04055156	Apr 18, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$277.00	<u>\$277.00</u>		

The permit holder is advised to read the reverse for important information concerning this decision.



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-111

