



**EDMONTON  
TRIBUNALS**

*Subdivision &  
Development  
Appeal Board*

*10019 - 103 Avenue NW  
Edmonton, AB T5J 0G9  
P: 780-496-6079 F: 780-577-  
3537  
[sdab@edmonton.ca](mailto:sdab@edmonton.ca)  
edmontonsdab.ca*

Date: July 7, 2017  
Project Number: 242120274-004  
File Number: SDAB-D-17-117

**Notice of Decision**

- [1] On June 29, 2017, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **June 6, 2017**. The appeal concerned the decision of the Development Authority, issued on June 1, 2017, to refuse the following development:

**To construct a Single Detached House with front veranda and fireplace**

- [2] The subject property is on Plan 1720974 Blk 10 Lot 30A, located at 11055 - 161 Street NW, within the RF1 Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit; and
  - The Development Officer’s written submission.
- [4] The following exhibits were presented during the hearing and form part of the record:
- Exhibit A – A map containing the results of the Community Consultation and to illustrate the sun shadow impacts on adjacent properties submitted by the Development Officer
  - Exhibit B – A Plot Plan dated March 25, 2017 submitted by the Appellant

**Preliminary Matters**

- [5] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[7] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (the “*Municipal Government Act*”).

### **Summary of Hearing**

*i) Position of the Appellant, Mr. K. Harizi:*

[8] The Development Permit application was refused because of a deficiency in the minimum required Rear Setback.

[9] It is important for Mr. Harizi to build the house as proposed because his family is growing. If the size of the house has to be reduced, it will result in the loss of one bedroom.

[10] He completed the community consultation and submitted the original results to the Development Officer, Mr. Langille, who is away today. The Appellant was not able to obtain a copy of the consultation to bring to the hearing. However, all of the feedback from his neighbours was positive and supportive.

[11] The subdivision application was approved before the Development Officer refused the Development Permit application. He could not provide the exact date of the approval but stated that it was approved at least two months ago and has been registered with Land Titles.

*ii) Position of the Development Officer, Mr. B. Liang, representing Mr. B. Langille:*

[12] Mr. Langille had not been notified of the approval of the subdivision application prior to his review of the Development Permit application. However, it is department practice to review Development Permit applications for Single Detached Houses on narrow lots based on the dimensions of the lot prior to subdivision.

[13] If the subdivision application has been approved, a variance in the maximum allowable Site Coverage for the Principal Dwelling would be required because of the excess of one percent. Therefore, a plot plan prepared post subdivision should be submitted for the review of the Development Authority.

[14] In his review, Mr. Langille noted that if the subdivision were to be approved, an additional variance would be required in the maximum allowable Site Coverage for the Principal Dwelling.

[15] The variance in the minimum required Rear Setback was not granted by the Development Officer because it was determined that there was no hardship associated with the proposed development.

- [16] The Appellant completed the Community Consultation and the only opposition received was from the Community League who expressed concern because of the ongoing problems with infill construction practices in the neighbourhood and sun shadowing problems for neighbours created by similar developments.
- [17] Mr. Liang referenced a copy of the notification map, marked Exhibit A, to illustrate the direction of the sun shadowing that would be created by the proposed development on neighbouring properties and the minimal impact that it would have. The map also contained the results of the Community Consultation.
- [18] Based on a review of the plot plan, it appears that the subdivided lots are the same size. However, no Development Permit should be granted until a new plot plan is prepared showing the proposed development subsequent to the subdivision. The Board could impose a condition that such a plot plan is required.
- [19] At this point the Presiding Officer indicated that it appeared the Development Permit application had been evaluated by the Development Officer based on the mistaken belief that the subdivision of the site had not yet occurred. The Board had to deal with the appeal taking account of the true state of affairs. To this end a new plot plan completed post subdivision must be submitted to illustrate the siting of the proposed house on the newly created lot. The Presiding Officer noted that neighbouring property owners would have to be notified if it is determined that any further variances to any of the regulations contained in the Mature Neighbourhood Overlay are required.

*iii) Rebuttal of the Appellant*

- [20] Mr. Harizi advised that he had a new plot plan post Subdivision. Mr. Liang examined it briefly and determined that it differed from the plot plan reviewed by Mr. Langille. Mr. Harizi said he would contact his surveyor to have a new plot plan prepared within the next few days. He asked if he could simply submit the plot plan for the Board to review instead of scheduling a new hearing. The Presiding Officer advised that a hearing would have to be scheduled in order to allow the Development Officer the opportunity to provide input. At this point, the Board recessed to determine what dates were available to resume the hearing.
- [21] When the hearing reconvened, the Appellant was able to immediately submit a revised plot plan (revised March 25, 2017), marked Exhibit B, that was prepared following the subdivision approval.
- [22] The Board reviewed the revised plot plan and determined that the proposed Rear Setback was 35 percent of Site Depth as opposed to the required 40 percent. This would require a variance of 5 percent or 1.87 metres to the Mature Neighbourhood Overlay regulation. As well, the maximum allowable Site Coverage for the proposed Principal Dwelling is 29.5 percent as opposed to the maximum allowable 28 percent, meaning a variance of 1.5 percent or 4.37 square metres would be required.

- [23] Mr. Liang concurred with the variances identified by the Board. He also noted that the original community consultation was conducted based on a proposed Rear Setback of 35 percent, which has not changed. The new maximum Site Coverage variance was not a Mature Neighbourhood Overlay variance. Therefore, the Appellant would not be required to redo the consultation.
- [24] Mr. Liang also noted that the width of one of the proposed cantilevers was incorrectly shown on the new plot plan. On the submitted house plans, this cantilever is correctly shown as being 1.63 metres wide.
- [25] The Presiding Officer clarified that the dimensions of that cantilever would be marked on the plot plan submitted today and marked Exhibit B, if the appeal is allowed by the Board.
- [26] Mr. Liang stated that the plot plan marked Exhibit B is acceptable even though it does not contain an official surveyor's stamp.
- [27] Mr. Harizi indicated that he had nothing further to add in rebuttal.

### **Decision**

- [28] That the appeal be **ALLOWED** and the decision of the Development Authority **REVOKED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:
1. This Development Permit authorizes the development of a Single Detached House with front veranda and fireplace. This approval is based on the revised Plot plan submitted and reviewed by the Board on June 29, 2017. The development shall be constructed in accordance with the approved stamped drawings.
  2. Any future basement development may require development and building permit approvals. A Secondary Suite shall require a new development permit application.
  3. The Basement elevation of structures of two or more Storeys in height shall be no more than 1.2 metres above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.
  4. Platform Structures greater than 1.0 metres above Grade shall provide privacy screening to the satisfaction of the Development Officer to prevent visual intrusion into adjacent properties.
  5. Landscaping shall be developed in accordance with Section 55 of the *Edmonton Zoning Bylaw 12800*.
  6. Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area.
  7. Landscaping shall be provided on a Site within 18 months of the occupancy of the Single Detached House. Trees and shrubs shall be maintained on a Site for a

minimum of 42 months after the occupancy of the Single Detached House. One deciduous tree with a minimum Caliper of 55 millimetres, one coniferous tree with a minimum Height of 2.5 metres and four shrubs shall be provided on the property. Deciduous shrubs shall have a minimum Height of 300 millimetres and coniferous shrubs shall have a minimum spread of 450 millimetres. All Yards visible from a public roadway, other than a Lane, shall be seeded or sodded. Seeding or sodding may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens, (Reference Section 55.2.1).

#### ADVISEMENTS:

- i) The existing trees(s) retained on site shall be protected/hoarded during construction. Please refer to the City of Edmonton Design & Construction Standards for details pertaining to tree hoarding; fencing as per the specific detail will ensure a tree/root protection zone, this should be sized relative to the canopy of the tree.
- ii) Lot grades must comply with the *Edmonton Drainage Bylaw 16200*. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.
- iii) Any future deck development greater than 0.6 metres (2 feet) in height will require development and building permit approvals.
- iv) Any future deck enclosure or cover requires a separate development and building permit approval.
- v) The driveway access must maintain a minimum clearance of 1.5 metres from any service pedestal and all other surface utilities.
- vi) Any hoarding or construction taking place on road right-of-way requires an OSCAN (On-Street Construction and maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: [http://www.edmonton.ca/bylaws/licences\\_permits/oscam-permit-request.aspx](http://www.edmonton.ca/bylaws/licences_permits/oscam-permit-request.aspx).

[29] In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The minimum required Rear Setback of 14.85, that being 40 percent of the Site Depth as per Section 814.3(5) of the *Edmonton Zoning Bylaw*, is varied to allow a deficiency 1.88 metres, thereby decreasing the minimum required Rear Setback to 12.97 metres.
2. The maximum allowable Site Coverage for a Principal Dwelling of 79.17 square metres (28 percent) as per Section 110.4(7)(b) of the *Edmonton Zoning Bylaw*, is varied to allow an excess of 4.37 square metres (1.5 percent), thereby increasing the maximum allowable Site Coverage for the Principal Dwelling to 83.54 square metres (29.5 percent).

**Reasons for Decision**

- [30] Single Detached Housing is a Permitted Use in the RF1 Single Detached Residential Zone.
- [31] The Development Officer was not aware that the subdivision application had been approved prior to reviewing the Development Permit application. Therefore, the only variance he identified was the deficiency in the minimum required Rear Setback, that being 40 percent of the Site Depth.
- [32] At the hearing the Appellant provided a new plot plan, marked Exhibit B, which was prepared following the approval of the subdivision application.
- [33] The Board considered the appeal based on a review of the new plot plan. It was noted that the dimensions of the lot shown on the new plan are slightly different than those reviewed by the Development Officer. However, the only variance to the Mature Neighbourhood Overlay regulations relates to the minimum required Rear Setback. Section 814.3(5) of the *Edmonton Zoning Bylaw* requires a Rear Setback of 40 percent of Site Depth. The proposed Rear Setback is 35 percent of Site Depth. This is the same variance that was required based on the plot plan that was originally reviewed by the Development Officer. It is also the same variance to the Mature Neighbourhood Overlay regulations that was identified when the community consultation was conducted pursuant to Section 814.3(24) of the *Edmonton Zoning Bylaw*. The Board is satisfied that the community consultation requirements were substantially complied with and it is not necessary to conduct a new Community Consultation as a result of the submission of the new plot plan.
- [34] The Board notes that none of the affected parties, including the Community League, objected to the variance required to the minimum required Rear Setback. The only concerns raised by the Community League were related to construction practices for infill developments generally and the potential loss of sunlight for neighbouring property owners. Based on the evidence provided regarding the orientation of the proposed development, the Board is satisfied that there will not be any significant loss of sunlight to neighbouring properties as a result of the proposed development.
- [35] Based on a review of the revised plot plan, marked Exhibit B, a variance is also required to the maximum allowable Site Coverage requirements for the Principal Dwelling, pursuant to Section 110.4(7)(b) of the *Edmonton Zoning Bylaw*. The proposed Principal Dwelling exceeds the maximum allowable Site Coverage requirement of 28 percent by 1.5 percent. However, the Board notes that the proposed development, including the detached garage, is only 41.4 percent which is less than the maximum allowable total Site Coverage of 42 percent.
- [36] The Board also notes that this variance does not have any impact on any other Setback or Amenity Area requirements.

- [37] No letters of objection were received and no one appeared in opposition to the proposed development. Therefore, the Board is satisfied that the variance to Site Coverage will not have a significant impact on the neighbourhood or neighbouring parcels of land.
- [38] For all of the above reasons, the Board is of the opinion that the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Mr. M. Young, Presiding Officer  
Subdivision and Development Appeal Board

Board members in attendance: Ms. N. Hack, Mr. K. Hample, Mr. A. Nagy, Mr. N. Somerville

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a 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.*



**EDMONTON  
TRIBUNALS**

*Subdivision &  
Development  
Appeal Board*

*10019 - 103 Avenue NW  
Edmonton, AB T5J 0G9  
P: 780-496-6079 F: 780-577-  
3537  
[sdab@edmonton.ca](mailto:sdab@edmonton.ca)  
[edmontonsdab.ca](http://edmontonsdab.ca)*

Date: July 7, 2017  
Project Number: 240888886-001  
File Number: SDAB-D-17-118

**Notice of Decision**

- [1] On June 29, 2017, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **June 1, 2017**. The appeal concerned the decision of the Development Authority, issued on May 11, 2017, to approve the following development:

**To construct a General Retail Store and a Restaurant (60 square metres Public Space) Use building**

- [2] The subject property is on Plan 1494NY Blk B, located at 12410 - 167 Avenue NW, within the CSC Shopping Centre Zone. The Castle Downs Extension Area Structure Plan applies to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the approved Development Permit;
  - The Development Officer’s written submissions; and
  - The Appellant’s written submissions.
- [4] The following exhibits were presented during the hearing and form part of the record:
- Exhibit A – A diagram of the subject site submitted by Legal Counsel for the Respondent

**Preliminary Matters**

- [5] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

- [7] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (the “*Municipal Government Act*”).
- [8] The Presiding Officer referenced Section 685(3) of the *Municipal Government Act* which states that “...no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted”. He noted that the proposed development is a Permitted Use in the CSC Shopping Centre Zone and that a variance was granted to the parking requirements. The Presiding Officer asked the Appellant to explain how the variance in the parking requirements would impact neighbouring property owners or how the provisions of the *Edmonton Zoning Bylaw* were misinterpreted.

### **Summary of Hearing**

#### *i) Position of the Appellant, Mr. B. Day:*

- [9] Mr. Day resides immediately south of the subject site.
- [10] The variance granted in the minimum required number of Parking Spaces is a non-issue.
- [11] The proposed new building will increase the existing problem of light pollution created by the shopping centre. Neighbours have complained to him about the light issue but he did not know if any formal complaints had been filed.
- [12] The proposed development will increase traffic in the Newcastle Centre parking lot. Speed bumps have been installed in the northwest portion of the Shopping Centre site but he would like to see the implementation of some type of vehicular speed control.
- [13] The other concern is the increased traffic on 167 Avenue, west of 123 Street. The traffic lights are not synchronized which causes traffic to back up and drivers become frustrated.
- [14] Snow removal is an issue because it usually occurs at two or three o'clock in the morning. He has called 311 on several occasions to file a complaint. Heavy construction equipment also starts work on the site before seven o'clock in the morning.
- [15] He does not have any information about the hours of operation for the proposed Restaurant and what impact this will have.

#### *ii) Position of the Development Officer, Mr. P. Belzile:*

- [16] Mr. Belzile had nothing to add to his written submission and none of the Board members had any questions.

iii) *Position of the Respondent, Mr. C. Carter and Mr. M. Saunders, Qualico Commercial and Mr. K. Haldane, Legal Counsel for the property owner:*

- [17] Mr. Haldane agreed with the Board's interpretation of Section 685(3) of the *Municipal Government Act* which states that "no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted." The proposed development is a Permitted Use in the CSC Shopping Centre Zone and complies with all of the development regulations with the exception of the parking requirements.
- [18] Section 54.1(2)(h) of the *Edmonton Zoning Bylaw* states that "In the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit".
- [19] The parking review conducted by Bunt & Associates demonstrated that there is a complementary use of the parking facilities that warranted a variance to the number of parking spaces required. The Development Officer therefore granted a variance when the Development Permit application was approved.
- [20] The parking calculations were completed on the southeast portion of the site. It was his opinion that the variance granted does not interfere with the use or value of neighbouring properties.
- [21] All of the concerns identified by the Appellant would occur regardless of whether or not a variance was granted to the parking requirements for this development. The Appellant stated that the parking variance was a non-issue for him.
- [22] A diagram of the site, marked Exhibit A, was submitted to illustrate the location of three new stop signs and the location of additional speed bumps in the parking lot.
- [23] The owners of the shopping centre are also concerned about the use of the parking lot and are taking steps to rectify the problems identified by the Appellant.
- [24] In response to a question, Mr. Carter, representing Qualico Commercial, acknowledged the concerns of the Appellant regarding excessive noise generated by snow clearing and construction equipment and indicated that he would follow up with the property manager to ensure adherence with the noise bylaw requirements.
- [25] Mr. Haldane referred to page 7 of the parking impact assessment prepared by Bunt & Associates that indicates there are an additional 207 parking spaces during peak periods on the adjacent southwest parcel of the Newcastle Shopping Centre. In the event the

southeast parcel, where the proposed development is located, operates with a small deficiency during the peak demand month of January, the adjacent parking on the southwest parcel of the shopping centre will be able to accommodate potential spillover.

*iv) Rebuttal of the Appellant*

[26] The Appellant reiterated his concerns about light pollution but had nothing further to add.

**Decision**

[27] The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as approved by the Development Authority.

**Reasons for Decision**

[28] Pursuant to Section 320.2(8) of the *Edmonton Zoning Bylaw* General Retail is a Permitted Use in the CSC Shopping Centre Zone. Pursuant to Section 320.2(21) Restaurants, for less than 200 occupants and 240 square metres of Public Space, is a Permitted Use in the CSC Shopping Centre Zone.

[29] Section 685(3) of the *Municipal Government Act* states that no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw are relaxed, varied or misinterpreted.

[30] The only variance granted by the Development Authority was a deficiency of 30 parking spaces.

[31] Section 54.2(1)(e) of the *Edmonton Zoning Bylaw* states that “Where the applicant for a Development Permit can demonstrate through a vehicular parking demand study prepared and submitted with respect to the proposed development, that by virtue of the Use, character, or location of the proposed development, and its relationship to public transit facilities and other available parking facilities, the parking requirement for the proposed development is less than any minimum or more than any maximum set out in the Parking Schedule, the Development Officer may allow a reduction from the minimum or an increase from the maximum in the number of parking spaces. The Development Officer shall submit the demand study to Transportation Services for analysis, and the proposed reduction or increase may be approved by the Development Officer with the advice of Transportation Services.”

[32] In this case, the Respondent submitted a parking demand study that concluded there was adequate parking on the site for most of the time except for peak seasonal demand during the month of January because of the existing fitness facility on the site. However, for most of the year, the peak demand required only 95 percent of the available spaces. As well, the study noted there are many parking spaces available on adjacent portions of the shopping centre site. Transportation Planning reviewed the parking study and had no

concerns. Based on the conclusions of the parking demand study and the review of Transportation Planning, the Development Officer granted a variance of 30 parking spaces.

- [33] The Board is of the opinion that the Development Officer's decision to grant the variance on the basis of the findings of the parking demand study was reasonable in these circumstances.
- [34] Further, the Appellant stated that the variance granted by the Development Officer regarding the required number of parking spaces was a non-issue for him. Accordingly, pursuant to Section 685(3) of the *Municipal Government Act*, the only potential ground for an appeal is if the Development Officer misinterpreted the *Edmonton Zoning Bylaw*.
- [35] The Appellant raised concerns about light pollution from the proposed development. Section 51 of the *Edmonton Zoning Bylaw* states 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.
- [36] The Development Officer noted that the proposed development would be setback 60 metres from the south property line and concluded the proposed development would not increase the amount of light emitted from the site. The Board also notes that the Appellant's home is further separated from the proposed development by 167 Avenue. The Board concludes that any additional light emitted from the site as a result of the proposed development will have minimal impact on the Appellant and on the other property owners along the south side of 167 Avenue. The Board is satisfied that the Development Officer did not misinterpret the *Edmonton Zoning Bylaw*.
- [37] The Board acknowledges the other concerns raised by the Appellant regarding increased traffic, the noise caused by the use of snow clearing equipment and construction equipment on the shopping centre site, the selling of drugs on the parking lot and the loss of his view of the storm management pond to the north of the proposed development. However, none of these concerns are related to the variance that was granted to allow a reduction in the minimum required number of parking spaces and are outside the purview of this Board.
- [38] The Appellant did not provide any other evidence that the provisions of the *Edmonton Zoning Bylaw* were misinterpreted by the Development Authority.

[39] For all of the above reasons, the Board is of the opinion that the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Mr. M. Young, Presiding Officer  
Subdivision and Development Appeal Board

Board members in attendance: Ms. N. Hack, Mr. K. Hample, Mr. A. Nagy, Mr. N. Somerville

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
  - f) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - g) the requirements of the *Alberta Safety Codes Act*,
  - h) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - i) the requirements of any other appropriate federal, provincial or municipal legislation,
  - j) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a 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.*