

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
June 7, 2018**

**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-18-080	Add Accessory Automotive and Equipment Repair Shop Use (HITEC FUEL SYSTEMS INC) to existing General Industrial Use (Qualico Glass)  14710 - 115 Avenue NW Project No.: 27888519-001
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II	1:00 P.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.: 271496304-001
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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-18-080

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

APPELLANT:

APPLICATION NO.: 278888519-001

APPLICATION TO: Add Accessory Automotive and Equipment Repair Shop Use (Hitec Fuel Systems Inc.) to existing General Industrial Use (Qualico Glass)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 17, 2018

DATE OF APPEAL: May 9, 2018

NOTIFICATION PERIOD: April 24, 2018 through May 15, 2018

RESPONDENT: Hitec Fuel Systems Inc.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14710 - 115 Avenue NW

LEGAL DESCRIPTION: Plan 1751KS Blk 7 Lot 23

ZONE: (IM) Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

***Grounds for Appeal***

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

Property will not support parking variance and the area does not support the business.

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

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

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the 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 420.2(6), **General Industrial Uses** is a **Permitted Use** in the (IM) Medium Industrial Zone.

Under section 420.3(2), **Automotive and Equipment Repair Shops** is a **Discretionary Use** in the (IM) Medium Industrial Zone.

Under section 7.5(3), *Industrial Uses*, **General Industrial Uses** means:

means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution facilities licensed and operating pursuant to federal legislation. This Use does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Under section 7.4(4) *Commercial Uses*, **Automotive and Equipment Repair Shops** means:

development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use does not include body repair and paint shops.

Under section 6.1(2), **Accessory** means:

means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Section 420.1 states that the **General Purpose** of the **(IM) Medium Industrial Zone** is:

to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

**Development Officer’s Determination**

**Discretionary Use - Automotive and Equipment Repair Shops is approved as a Discretionary Use (Section 420.3).** [unedited].

<i><b>Parking</b></i>
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Section 54.2, Schedule 1(A)(27) states:

Any development within the Industrial Uses, except for Adult Mini-Theatres	1 parking space per 100.0 m <sup>2</sup> of Floor Area provided this is not less than 3 parking spaces per tenant or establishment
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Section 54.2, Schedule 1(A)(12) states:

Any development within a Commercial Use not listed separately in this table, with a Floor Area of:	
a. less than 4 500 m <sup>2</sup>	1 parking space per 40.0 m <sup>2</sup> of Floor Area
b. 4 500 m <sup>2</sup> – 9 000 m <sup>2</sup>	1 parking space per 33.3 m <sup>2</sup> of Floor Area
c. 9 000 m <sup>2</sup> – 28 000 m <sup>2</sup>	1 parking space per 28.5 m <sup>2</sup> of Floor Area
d. greater than 28 000 m <sup>2</sup>	1 parking space per 25.0 m <sup>2</sup> of Floor Area

Section 54.1(2)(h) states:

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.

Under section 6.1(40), **Floor Area** means:

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

Under section 6.1(113), **Tandem Parking** means “two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.”

**Development Officer’s Determination**

**Parking - The site has 13 parking stalls, instead of 18 (Section 54 and Schedule 1) [unedited]**


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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.

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	Project Number: <b>278888519-001</b> Application Date: APR 06, 2018 Printed: May 10, 2018 at 12:58 PM Page: 1 of 2		
<h2 style="margin: 0;">Major Development Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 14710 - 115 AVENUE NW Plan 1751KS Blk 7 Lot 23  <b>Specific Address(es)</b> Suite: 14710 - 115 AVENUE NW Entryway: 14710 - 115 AVENUE NW Building: 14710 - 115 AVENUE NW		
<b>Scope of Permit</b> To add accessory Automotive and Equipment Repair Shop Use (HITEC FUEL SYSTEMS INC) to existing General Industrial Use (Qualico Glass)			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                             Class of Permit: Class B                              Gross Floor Area (sq.m.):                              New Sewer Service Required: N                              Site Area (sq. m.): 1359.23                         </td> <td style="width: 50%; border: none;">                             Contact Person:                              Lot Grading Needed?: N                              NumberOfMainFloorDwellings:                              Stat. Plan Overlay/Annex Area: (none)                         </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 1359.23	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 1359.23	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Permit Decision</b> Approved <b>Subject to the Following Conditions</b> Note: 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.  NOTE: This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.  This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)  An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.  NOTE: Signs require separate Development Applications.  No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the required 3.0m yards. (Reference Section 420.4(3).)			
<b>Variances</b> Discretionary Use - Automotive and Equipment Repair Shops is approved as a Discretionary Use (Section 420.3).  Parking - The site has 13 parking stalls, instead of 18 (Section 54 and Schedule 1)			



Project Number: **27888519-001**  
Application Date: APR 06, 2018  
Printed: May 10, 2018 at 12:58 PM  
Page: 2 of 2

## Major Development Permit

### Rights of Appeal

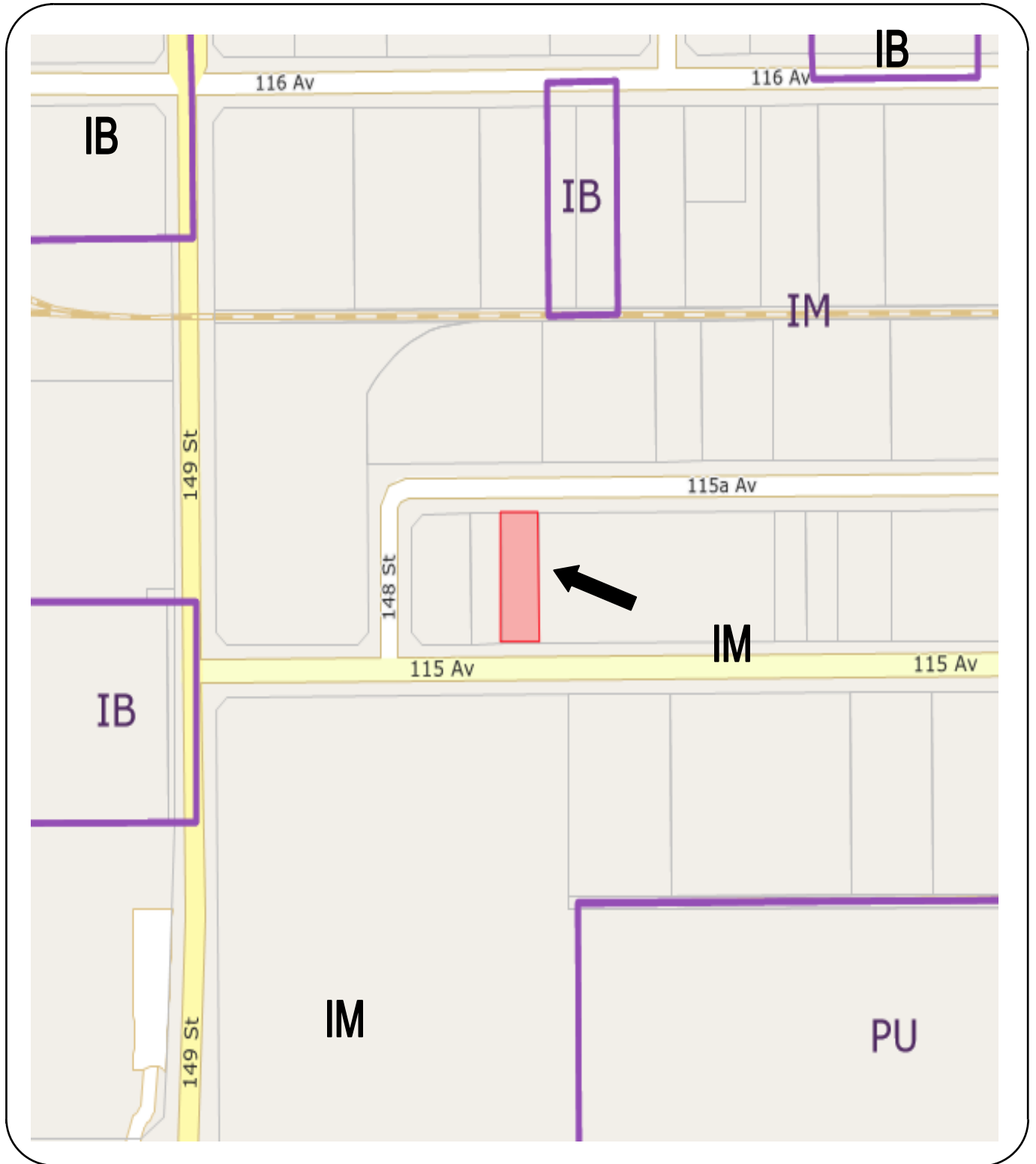
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Apr 17, 2018    **Development Authority:** HARRISON, MARK

**Notice Period Begins:** Apr 24, 2018    **Ends:** May 15, 2018

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$277.00	\$277.00	04923510	Apr 06, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$277.00	\$277.00		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-080



ITEM II: 1:00 P.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.

<b><i>General Matters</i></b>
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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.

**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** 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.

<b>Table 814.5(2)</b>			
<b>Tier #</b>	<b>Recipient Parties</b>	<b>Affected Parties</b>	<b>Regulation of this Overlay Proposed to be Varied</b>
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

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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.

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Project Number: **271496304-001**  
 Application Date: JAN 16, 2018  
 Printed: April 16, 2018 at 10:58 AM  
 Page: 1 of 2

## Application for House Development and Building Permit

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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.

<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 9716 - 96 STREET NW Plan 1226AQ Blk 4 Lot 30
	<b>Location(s) of Work</b> Entryway: 9716 - 96 STREET NW Building: 9716 - 96 STREET NW

**Scope of 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.

<b>Permit Details</b>  Affected Floor Area (sq. ft.): 2656 Class of Permit: Front Yard (m): 6.22 Rear Yard (m): 18.49 Side Yard, left (m): 1.22 Site Area (sq. m.): 399.05 Site Width (m): 10.07	Building Height to Midpoint (m): 10.17 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.22 Site Depth (m): 39.65 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: \_\_\_\_\_

**Development Application Decision**  
 Refused  
**Reason for Refusal**  
 1. Height - The Height of the House to the midpoint of the parapet is 10.2m instead of 8.9m, and to top of the parapet is 10.3m instead of 9.3m (Sections 814.3.5)  
  
**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:** Apr 04, 2018    **Development Authority:** XIE, JASON    **Signature:** \_\_\_\_\_

Fees	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

**THIS IS NOT A PERMIT**



## 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**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
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

