

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
March 11, 2020**

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

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

I 9:00 A.M. SDAB-D-20-033

Construct a Single Detached House with
Unenclosed Front Porch and rear attached
Garage

12421 - 48 Street NW
Project No.: 341798667-001

II 10:30 A.M. SDAB-D-20-034

Order to:

1. Acquire a Development Permit for
Temporary Storage and CEASE the Tourist
Campsite operation at the property. No one
may occupy Recreational Vehicles at the
property. Dismantle all utility connections
designed to accommodate guests staying at
the Tourist Campsite, including water,
power and sewer hook ups.

OR

2. Cease both the Temporary Storage and the
Tourist Campsite operation at the property.
In addition to the instructions in option 1,
remove all Recreational Vehicles,
commercial vehicles, trailers or other related
objects being stored at the property.

This Order must be complied with before April
3, 2020.

2104 - Yellowhead Trail NE
Project No.: 345176694-001

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-20-033

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 341798667-001

APPLICATION TO: Construct a Single Detached House with Unenclosed Front Porch and rear attached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 27, 2020

DATE OF APPEAL: February 13, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12421 - 48 Street NW

LEGAL DESCRIPTION: Plan 7274AH Blk 22 Lots 27-28

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

1. According to the Edmonton zoning bylaw 12800 "A Lodging House shall be developed as either a purpose-built freestanding structure, or Single Detached Housing converted for the purpose, or part of an Apartment Housing development;" the plans for the house that I'm planning on building will not be used in such manner, there are doors from each room to the backyard/porch area due to my Serbian heritage and style of life which I've brought to Canada and that is why I've placed the doors where they are, which could have made it seem like a lodging home.

2. I would like to appeal the rear setback of the plot plan, I've noticed that all of the other homes next to my plot have their garages right on or near their plot lines and according to my plot plan my home with the garage is 4.27 meters away from the line which all of the other home have their garages on. a picture of this statement will be provided on a following email which will show all of the garages in line in the our back ally.
3. For the third reason of refusal, i apologize that i have attached my garage to my home plans, but due to many of my health problems which include my three car accident(which broke my pelvic bone), asthma (which three out of four of my kids have), Osteoporosis which runs deep in my family roots, i have decided to make my house a large one story home which will not trigger any of the health issue stated above and which will be a more appropriate style home for me when i get older with time. when buying this plot i choose an area which was not developed or too crowded with people so that i could build a home which is more suitable for my style of life.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

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

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

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

- a. a purpose-built building;
- b. a part of a Multi-unit Housing development with 6 or more Dwellings; or
- c. a building wholly converted from a Single Detached House, Semi-detached House, or a Multi-unit Housing development with 5 or less Dwellings;

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

Under section 6.1, **Congregate Living** means:

four or more individuals occupying Sleeping Units in a building where the occupants share access to facilities such as cooking, dining, laundry, or sanitary facilities. Typical Uses where Congregate Living is found include Fraternity and Sorority Housing, Group Homes, Limited Group Homes, and Lodging Houses.

Under section 6.1, **Sleeping Unit** means:

a Habitable Room in a building used for Congregate Living in which the room is occupied by a person under any form of accommodation agreement providing remuneration for the room, and the room:

- a. does not include provision for cooking or food preparation, except that:
 - i. Sleeping Units may include limited food preparation facilities such as bar fridge, mini-sink, and microwave where Lodging Houses or Group Home is a Permitted Use and where more than 12 Sleeping Units are allowed in a development;

- b. may or may not be equipped with sanitary facilities; and
- c. provides accommodation for a maximum of two persons.

Section 7 provides the following with respect to *Use Definitions*:

7.1 General

1. Uses, as set out in subsections 7.2 through 7.9 inclusive, are grouped according to common functional or physical impact characteristics.
2. Use definitions are used to define the range of Uses, which are Permitted Uses or Discretionary Uses, within the various Zones of this Bylaw.
3. The following guidelines shall be applied in interpreting the Use definitions:
 - a. the typical purposes or activities, which may be listed in the definitions, are not intended to be exclusive or restrictive;
 - b. where specific purposes or activities do not conform to any Use definition or generally conform to the wording of two or more Use definitions, the Development Officer may, at their discretion, deem that the purposes or activities conform to and are included in that Use which they consider to be the most appropriate. In such a case, the Use shall be considered a Discretionary Use, whether or not the Use is listed as a Permitted Use or Discretionary Use within the applicable Zone; and
 - c. the headings such as Residential Uses or Commercial Uses do not mean that the Uses listed under these headings are permitted only in Residential or Commercial Zones of this Bylaw. Reference must be made to the lists of Permitted Uses and Discretionary Uses within each Zone.

Under section 6.1, **Use** means “the purposes or activities for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.”

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

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

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

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

Use

Development Officer’s Determination

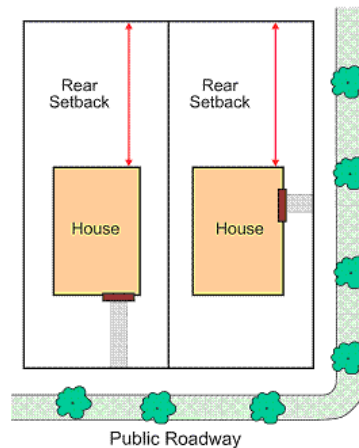
1. The proposed development would more appropriately be classified as a Lodging House Use. [unedited]

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer’s Determination

2. Reduced Rear Setback - The minimum Rear Setback shall be 40% of Site Depth (Section 814.3.4).

Required: 15.1m (40% of site depth)
Proposed: 4.3m (11% of site depth)
Deficient by: 10.8m [unedited]

Rear Attached Garage

Section 814.3(19) states “Rear attached Garages shall not be allowed.”

Development Officer’s Determination

3. Rear Attached Garage - Rear attached Garages shall not be allowed (Section 814.3.19).
Proposed: The rear garage is attached to the house. [unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) – Rear Setback 814.3(19) – Rear Attached Garage

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 341798667-001 Application Date: SEP 23, 2019 Printed: February 13, 2020 at 2:55 PM Page: 1 of 2																									
This document is a Development Permit Decision for the development application described below.																											
Applicant	Property Address(es) and Legal Description(s) 12421 - 48 STREET NW Plan 7274AH Blk 22 Lots 27-28 Specific Address(es) Suite: 12421 - 48 STREET NW Entryway: 12421 - 48 STREET NW Building: 12421 - 48 STREET NW																										
Scope of Application To construct a Single Detached House with Unenclosed Front Porch and rear attached Garage.																											
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>			# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																							
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Development Application Decision Refused Issue Date: Jan 27, 2020 Development Authority: ZHOU, ROWLEY Reason for Refusal <ol style="list-style-type: none"> 1. The proposed development would more appropriately be classified as a Lodging House Use. 2. Reduced Rear Setback - The minimum Rear Setback shall be 40% of Site Depth (Section 814.3.4). Required: 15.1m (40% of site depth) Proposed: 4.3m (11% of site depth) Deficient by: 10.8m 3. Rear Attached Garage - Rear attached Garages shall not be allowed (Section 814.3.19). Proposed: The rear garage is attached to the house. Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																											
Fees <table style="width: 100%; border: none; margin-top: 10px;"> <thead> <tr> <th style="text-align: left; border: none;"></th> <th style="text-align: right; border: none;">Fee Amount</th> <th style="text-align: right; border: none;">Amount Paid</th> <th style="text-align: left; border: none;">Receipt #</th> <th style="text-align: left; border: none;">Date Paid</th> </tr> </thead> <tbody> <tr> <td style="border: none;">Development Permit Inspection Fee</td> <td style="text-align: right; border: none;">\$207.00</td> <td style="text-align: right; border: none;">\$207.00</td> <td style="text-align: left; border: none;">06160524</td> <td style="text-align: left; border: none;">Sep 23, 2019</td> </tr> <tr> <td style="border: none;">Lot Grading Fee</td> <td style="text-align: right; border: none;">\$145.00</td> <td style="text-align: right; border: none;">\$145.00</td> <td style="text-align: left; border: none;">06160524</td> <td style="text-align: left; border: none;">Sep 23, 2019</td> </tr> <tr> <td style="border: none;">Dev. Application Fee</td> <td style="text-align: right; border: none;">\$493.00</td> <td style="text-align: right; border: none;">\$493.00</td> <td style="text-align: left; border: none;">06160524</td> <td style="text-align: left; border: none;">Sep 23, 2019</td> </tr> <tr> <td style="border: none;">Sanitary Sewer Trunk Fund</td> <td style="text-align: right; border: none;">\$1,662.00</td> <td style="text-align: right; border: none;">\$1,662.00</td> <td style="text-align: left; border: none;">06160524</td> <td style="text-align: left; border: none;">Sep 23, 2019</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Development Permit Inspection Fee	\$207.00	\$207.00	06160524	Sep 23, 2019	Lot Grading Fee	\$145.00	\$145.00	06160524	Sep 23, 2019	Dev. Application Fee	\$493.00	\$493.00	06160524	Sep 23, 2019	Sanitary Sewer Trunk Fund	\$1,662.00	\$1,662.00	06160524	Sep 23, 2019
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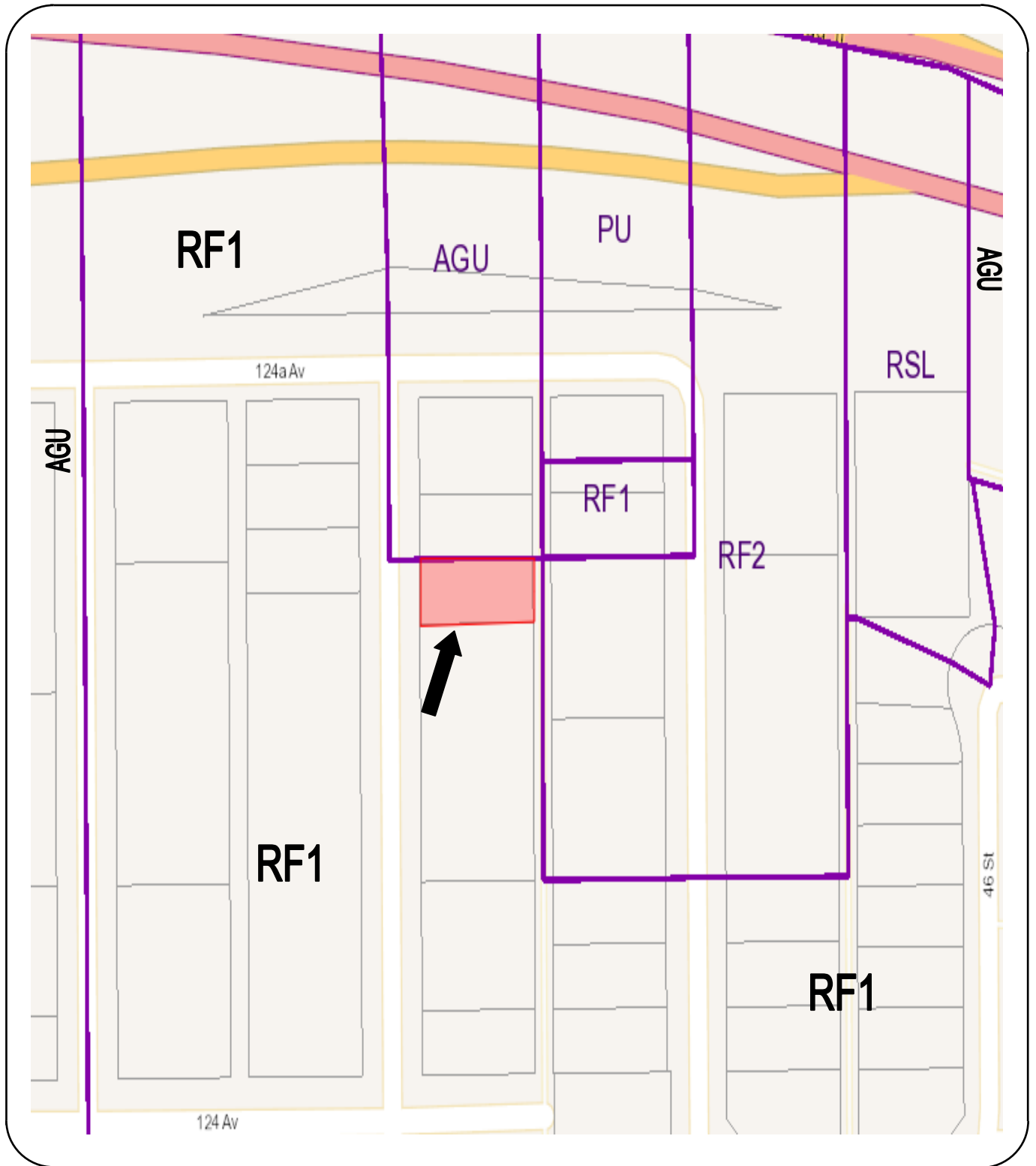
Project Number: **341798667-001**
Application Date: SEP 23, 2019
Printed: February 13, 2020 at 2:55 PM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,507.00	\$2,507.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-033



ITEM II: 10:30 A.M.

FILE: SDAB-D-20-034

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 345176694-001

- ORDER TO:
1. Acquire a Development Permit for Temporary Storage and CEASE the Tourist Campsite operation at the property. No one may occupy Recreational Vehicles at the property. Dismantle all utility connections designed to accommodate guests staying at the Tourist Campsite, including water, power and sewer hook ups.
OR
 2. Cease both the Temporary Storage and the Tourist Campsite operation at the property. In addition to the instructions in option 1, remove all Recreational Vehicles, commercial vehicles, trailers or other related objects being stored at the property.

This Order must be complied with before April 3, 2020.

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: January 8, 2020

DATE OF APPEAL: February 11, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2104 - Yellowhead Trail NE

LEGAL DESCRIPTION: Plan 116MC Lots D,E

ZONE: (IM) Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

Grounds for Appeal

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

Received order from mailbox January 31, 2020

We have permits for uses on land for over 40 years (from Strathcona County)

General Matters

Appeal Information:

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

A **Tourist Campsite** is **neither** a Permitted Use **nor** a Discretionary Use in the **(IM) Medium Industrial Zone**, sections 420.2 and 420.3 respectively.

Under section 420.2(12), **Temporary Storage** is a **Permitted Use** in the **(IM) Medium Industrial Zone**.

Under section 7.8(18), **Tourist Campsite** means:

development of land which has been planned and improved for the seasonal short term use of holiday trailers, motor homes, tents, campers and similar Recreational Vehicles, and is not used as year round storage, or accommodation for Residential Use. Typical Uses include tourist trailer parks, campsites and tenting grounds.

Under section 7.5(6), **Temporary Storage** means:

development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical Uses include pipe yards, or vehicle or heavy equipment storage compounds.

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.

Requirement for a Development Permit

Section 5.1 states:

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
 2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
-

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.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

2nd Floor, Edmonton Tower
10111 104 Avenue NW
Edmonton, AB T5J 0J4
Canada

edmonton.ca/developmentcompliance

January 8, 2020

Our File: 345176694-001

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Alberta Land Titles search identifies DOUBLE 2 HOLDINGS LTD as the registered owner of the property located at 2104 - YELLOWHEAD TRAIL NE, in Edmonton, Alberta, legally described as Plan 116MC Lots D,E. This property is zoned IM (Medium Industrial Zone) in accordance with Section 420 of Edmonton Zoning Bylaw 12800.

This Property was inspected by Development Compliance Officer Brendan Bolstad on January 2, 2020. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

Our investigation revealed that the following Developments have commenced without a Development Permit:

1. Tourist Campsite

Tourist Campsites means development of land which has been planned and improved for the seasonal short term use of holiday trailers, motor homes, tents, campers and similar Recreational Vehicles, and is not used as year round storage, or accommodation for Residential Use. Typical Uses include tourist trailer parks, campsites and tenting grounds.

2. Temporary Storage

Temporary Storage means development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical Uses include pipe yards, or vehicle or heavy equipment storage compounds.

(continued on next page)

Section 5.1 of Edmonton Zoning Bylaw states:
Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

Temporary Storage is a Permitted Use in the Medium Industrial (IM) Zone.
Tourist Campsites are not a listed Use in the Medium Industrial (IM) Zone.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, you are
HEREBY ORDERED to complete one of the following options:

1. Acquire a Development Permit for Temporary Storage and CEASE the Tourist Campsite operation at the property. No one may occupy Recreational Vehicles at the property. Dismantle all utility connections designed to accommodate guests staying at the Tourist Campsite, including water, power and sewer hookups.

OR

2. Cease both the Temporary Storage and the Tourist Campsite operation at the property. In addition to the instructions in option 1, remove all Recreational Vehicles, commercial vehicles, trailers or other related objects being stored at the property.

This Order must be complied with before April 3, 2020.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after April 3, 2020 to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within the prescribed time to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

(continued on next page)

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-442-7190.

Regards,

Brendan Bolstad
Development and Zoning
Development Services
Phone Number: 780-442-7190
Email Address: Brendan.Bolstad@edmonton.ca

**Adding Amounts
Owing to tax roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
 - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
 - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
 - (d), (e) repealed 1999 c11 s35;
 - (f) costs associated with tax recovery proceedings related to the parcel;
 - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
 - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
 - (h) Unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.

Stop order

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,
- within the time set out in the notice.
- (2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order	<p>646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.</p> <p>(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.</p> <p>(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.</p>
Permit	<p>683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.</p>
Grounds for appeal	<p>685(1) If a development authority</p> <ul style="list-style-type: none"> (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, <p>the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.</p> <p>(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.</p> <p>(3) Despite subsections (1) and (2), 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 or the application for the development permit was deemed to be refused under section 683.1(8).</p> <p>(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district</p> <ul style="list-style-type: none"> (a) is made by a council, there is no appeal to the subdivision and development appeal board, or (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.
Appeals	<p>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</p> <ul style="list-style-type: none"> (a) in the case of an appeal made by a person referred to in section 685(1) <ul style="list-style-type: none"> (i) with respect to an application for a development permit, <ul style="list-style-type: none"> (A) within 21 days after the date on which the written decision is given under section 642, or (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires, <p>or</p> <ul style="list-style-type: none"> (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.

(2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The subdivision and development appeal board must give at least 5 days notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

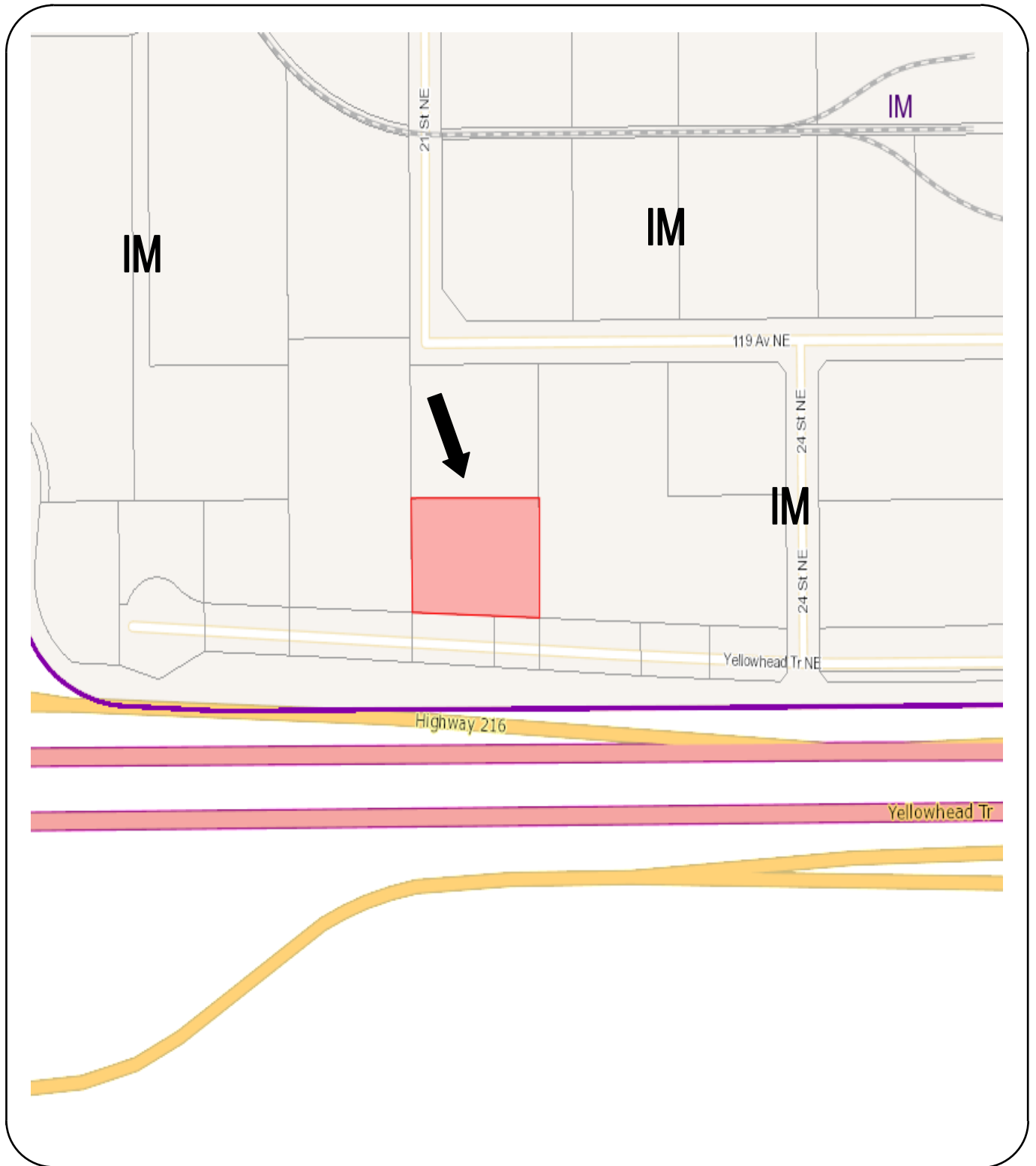
(4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or

(b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-034

